

Civil Service - India - J4K

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EXTENT OF APPLICATION

THE JAMMU AND KASHMIR CIVIL SERVICE REGULATIONS, 1956.

RELATING TO

SALARY, LEAVE, PENSION & TRAVELLING ALLOWANCE

PART I—PRELIMINARY.

CHAPTER I—Extent of application.

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1. *Short title and commencement.*—(1) These rules may be called the "Jammu and Kashmir Civil Service Regulations, 1956".

(2) They shall come into force on the date they are published in the Government Gazette.

1-A. (a) These Regulations are intended to define the conditions under which Salaries, Leave, Pension, Travelling or other allowances are earned by Service in the Civil Departments and in what manner they are calculated. They do not deal otherwise than indirectly and incidentally with matters relating to recruitment, promotion, official duties, discipline or the like.

(b) All rules, orders and instructions issued by the Government from time to time and not expressly provided herein shall, in so far as they are not inconsistent with these rules, continue to be in force until repealed or modified.

Note 1.—Military Officers holding civil appointments will be considered civil officers for the purposes of these rules.

Note 2.—The acting allowances, grant of leave and leave allowances, the pension, and the Travelling allowances of Officers whose services are lent to the State by the Government of India will be regulated by the Rules of the respective Governments in India but in the State they receive only the pay or remuneration agreed upon and sanctioned for them by the Governments concerned.

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2 Any authority vested in or power exercised by Government under the Regulations may, by the order of Government, be delegated to any officer of the Government, and any authority vested in, or power exercisable by a specific officer of the Government under these Regulations may, by an order of Government, be delegated to any other such officer. (see *Schedule I*).

3. The Travelling Allowance Rules in Part VIII under which travelling allowance is admissible, apply to all officers in the Civil Departments and Local Funds, except to those who have taken service under a special contract or agreement, which provides for other methods of regulating their Travelling Allowance.

RIGHT OF CHANGING OR INTERPRETING RULES.

4. (a) The Government reserves to itself the right of changing or cancelling the rules in these Regulations from time to time at its discretion and of interpreting their meaning in case of dispute.

It has also the right of granting concessions outside the rules in cases where the rules operate harshly or unfairly, or the concession is intended as a special reward in recognition of merit.

(b) An officer's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; to Leave by the rules in force at the time the leave is applied for and granted, unless otherwise regulated by any special contract with the Government; to Pension by the rules in force at the time when the officer resigns or is discharged from the Service of the Government, but he is not entitled to concessions withdrawn before or made after his resignation or dismissal; and to Travelling Allowance by the rules that may be in force at the time the claim is made. But for journeys performed, before these rules are enforced, and which would not be claimed under the former practice, no officer will have any title to travelling allowance under the concessions now made in these rules.

CHAPTER II — Definitions.

5. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the Regulations in the sense here explained. When these terms are, in the rules, printed in italics, it is meant that the rules cannot be fully applied without reference to the definition, etc.

6. *Absentee* means an officer absent from an appointment on which he has a lien, either on leave or on deputation to another appointment, whether permanent or temporary, or on special duty unconnected with his own appointment, or on joining time during transfer to another appointment, or under suspension.

7. *Active Service*.— Besides time spent on duty, includes *Privilege leave of absence*.

8. *Actual travelling expenses* means the actual cost of locomotion for an officer himself, his servants and personal luggage, including charges for ferry and other tolls; but not including charges for hotels, Dak-bungalows, or refreshments, or for the carriage of stores or conveyances, or for presents to coachmen, nor any allowance for such incidental losses or expenses as the breakage of crockery, the wear and tear of furniture, the entertainments of additional servants and the like.

9. *Average Salary* means the average of the Salary actually obtained by the officer during so much of the 3 years immediately preceding the day, on which he gives over charge of his office, as he has passed on duty or on privilege leave.

Note 1.— In the calculation of "Average Salary", Privilege Leave in case of regular vacations' on half pay granted under Articles 150 to 154 is treated as it were full pay.

Note 2.— When Privilege leave is combined with other leave under Article 130; the calculation is made up to the day preceding the commencement of the Privilege Leave.

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10. *Calendar months*.—The following examples show how a period stated in “Calendar months” should be calculated :—

EXAMPLE.

A period of six Calendar months.

Beginning on the—		Ends on the—
21st March	..	.. 20th September.
31st July	..	.. 30th January.
31st August	...	... 28th (or 29th February in case of leap year).
28th or 29th February	...	... 31st August.

11. (a) *Camp Equipage* means the apparatus for moving a camp.

(b) *Camp Equipment* means tents and the requisites for pitching and furnishing them or where tents are not carried, such articles of camp furniture as it may be necessary in the interest of the public service for a Government servant to take with him on tour.

11-A. *Competent authority* in relation to the exercise of any power means the authority to which the power is delegated or Government in the absence of any such delegation.

12. *Continuous Service and Continuous Active Service* mean the *Service* and *Active Service* of an officer since his last return from Furlough or Extraordinary Leave lasting more than three months; or, if he has not had such leave, since the beginning of his Active Service. No leave may be included in Continuous Service except the Privilege Leave.

12-A. *Controlling Officer* means the intermediate controlling officer subordinate to a Head of Department.

(For list of such officers see Appendix C, Kashmir Budget Manual).

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13. "*Count*" and "*Qualify*" mean to count and qualify for Pension from the *General Revenues* of the State, or for leave of absence, as the case may be.

14. *Day* means a calendar day, beginning and ending at midnight; but the period, occupied by a journey which begins and ends at headquarters and which does not exceed twenty-four hours, shall be reckoned for all purposes as one day at whatever hours the absence begins or ends.

14-A. *Disbursing Officer*.— Every Government official who draws money on bills or through cheques from the Treasury is a Disbursing Officer except any Gazetted officer who whilst not being the Head of an office draws his own pay and allowances only from the Treasury.

(For list of such officers see Appendix C, Kashmir Budget Manual).

14-B.

(a) Duty includes :—

(i) Service as a probationer provided such service is followed by confirmation.

(ii) Joining time.

(iii) Extra privilege leave granted to a Government servant undergoing anti-rabic treatment at a Pasteur institute or centre.

(b) A Government servant is also treated as on duty under the circumstances specified below :—

(i) During the period occupied in attending an obligatory Departmental examination including the time reasonably necessary for the journey to and from the place of examination.

(ii) During the period actually occupied in attending any examination which must be

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passed before a person is eligible for a higher subordinate appointment in any branch of his service under the orders of the Minister-in-Charge of the Department.

- (iii) During the period of compulsory waiting by him for orders of the competent authority for posting after being relieved from his former post for transfer or on return from leave.

Note.—No leave of any kind can be treated as duty for the purpose of any rule unless the contrary is expressly stated therein.

- (iv) During the period occupied in attending the Jammu and Kashmir University Senate and Syndicate meetings or on appointment as Superintendents, Invigilators, and Examiners in science practicals, etc., including the time reasonably necessary for the journey to and from the University.

15. *Family* includes officer's wives, his legitimate children and step-children residing with and wholly dependent on him; and also his parents, sisters and minor brothers, if wholly dependent on and residing with him.

15-A. *Fee* means a recurring or non-recurring payment to a Government servant from a source other than general revenues whether made directly to the Government servant or indirectly through the intermediary of Government.

16. *First appointment* includes the appointment of a person not at the time holding any appointment under *Government* even though he may have previously held such an appointment.

16-A. *Foreign service* means service in which a Government servant receives his substantive pay with the sanction of Government from any source other than General Revenues of Government.

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17. *General Revenues* include the revenues of the Government and exclude the revenues of a local fund.

18. *Gazetted Officers* are those whose appointment and dismissal rests with the Government.

19. *Service, cadre, class, category and grade.*—The terms are used in the same sense as in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

Note.—Appointments do not belong to the same Class or Grade unless they have been so constituted or recognised by proper authority. A *Ministerial Officer* may be appointed to act for another *Ministerial Officer* in the same office whose pay is higher than his own.

19-A. *Head of Department* means a Head of Department or other officer who submits Budget estimates direct to the Secretariat.

(For list of such officers see Appendix C, Kashmir Budget Manual).

20. (i) *Headquarter.*—As a general rule, and subject to any special orders to the contrary in particular cases, the Headquarters of an officer on the staff of the Government as for instance a Secretary or Deputy Chief Secretary or a clerk in a Government Secretariat, are the Headquarters for the time being of the Government.

(ii) The Headquarters of any other officer and his establishment are either the station which has been declared to be his Headquarters by Government or in the absence of such declaration, the station where the records of his or their office are kept.

(iii) The Headquarters of a subordinate executive officer, for instance a Ranger, or an Officer-in-Charge Police Chowki are the stations within his jurisdiction which have been declared to be his headquarters by the authority which appoints him.

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20-A. *Holiday* means holiday prescribed or notified by Government.

20-B. *Inferior Service* means any kind of service which may be specially classed as such by an order of competent authority.

Note.—A list of Government servants specially classed as inferior is given in Schedule II.

21. *Lien* means the title of a Government servant to hold substantively or in an officiating capacity either immediately or on the termination of a period or periods of absence, a permanent post including a tenure post or an acting appointment to which he has been appointed. An Officer may have a lien on an appointment without having actually joined it.

22-A. *Local Allowance*.—A “Local Allowance” is an allowance not specially declared to be “pay” or “salary” given to a Government servant in addition to *pay* or *salary*, in consideration of exceptional local circumstances such as the unhealthiness or expensiveness of the locality, in which the work is performed.

22-B. Subject to the provision of Article 149, a Local Allowance which includes “Frontier Allowance”, is paid only to the officer actually present on duty, and is not taken into account in calculating leave allowance or *pension*.

22-C. *Duty Allowance*.—A “Duty Allowance” is an allowance granted to a Government servant in addition to pay or salary in consideration of the specially arduous nature of his duties or of increased work or responsibility or for the discharge of duties which do not properly belong to his office and for which there is no sanctioned appointment. It ceases as soon as the duties for the performance of which it has been granted, cease.

22-D. *Deputation Allowance*.—A “Deputation Allowance” is an allowance given in addition to pay

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or salary to a Government servant on special temporary duty in consideration of temporary change of station involved by the deputation or when such duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment.

22-E. *Personal Allowance*.—A “Personal Allowance” is an addition to pay granted to a Government servant :—

- (a) to save him from loss of substantive pay in respect of a permanent post (other than a post held by him for a limited period) due to revision of pay or to any reduction of such substantive pay otherwise than a disciplinary measure, or
- (b) in exceptional circumstances on other personal consideration.

23. *Local Funds*.—When revenue derived from special sources is devoted to special objects, and not to the general purposes of the Administration, it is called a “Local Fund” e. g., the Sanitation Cess and Educational Cess Funds are Local Funds.

24. *Medical Officer* means :—

- (a) Director Health Services, Chief Medical Officer, Superintendents of main Hospitals at Srinagar and Jammu, Specialists, Epidemiologists and Medical Officers in charge of District Hospitals.
- (b) An Assistant Surgeon holding registerable qualifications for All India Register. Assistant Surgeons who do not possess registerable qualifications will have to get their certificates countersigned by either the Director Health Services or by a Chief Medical Officer or a Superintendent of Saddar Hospital.
- (c) For State officers on leave etc. in India, any Medical Officer not below the rank of

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Assistant Surgeon grade I or Assistant Surgeons holding at least **Registerable** qualifications for All India Register. An officer lower in the above list should not be resorted to when an officer of high qualifications is easily accessible.

- (d) For indoor patients in aided Hospitals, any **Medical Officer** of that hospital with registerable qualifications.

25. *Ministerial Officer* means an officer, whether Gazetted or not, whose duties are not of an administrative or executive character, but who is employed as a member of an office establishment.

Examples.—A Registrar, an Accountant or a Clerk is a Ministerial Officer. A Tehsildar, a Police Inspector or a Constable, or a Teacher in a school is not a Ministerial Officer.

26. *Officer.*—In these rules the word means any person serving the Government in any capacity.

27. *Pay and Salary:*—

- (a) “*Pay*” means “Monthly Substantive Pay” and does not include any kind of allowance given to an officer for miscellaneous duties.
- (b) “*Salary*” means the sum of pay and acting allowance, or charge allowance under Articles 62 of Chapter V and 85 of Chapter VIII.

Note 1. Personal allowance is treated for purposes of calculating leave allowances, pensions and travelling allowances as part of an officer's substantive pay.

Note 2.—“Salary” does not include a *Local Allowance*, House-rent Allowance, Duty Allowance, Deputation Allowance, Travelling Allowance whether daily, monthly or yearly.

Note 3.—The civil proficiency allowance of Policemen and the literary allowance in Excise and Jails Departments is treated as salary for purposes of calculating leave allowance only.

Note 4.—Ration allowance drawn by a Government servant with effect from 1-1-2004 will be treated as part of pay only

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for purposes of fixation of initial pay in the higher scale to which no such allowance is attached.

28. *Pay of an appointment* means the pay which any particular officer would receive monthly if he held the appointment substantively.

Note 1.—The allowance of an officer acting in an appointment, the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service, are calculated upon the pay which he would, from time to time, receive if held the appointment substantively.

Note 2.—The allowance of an officer, acting in an appointment, the pay of which has been reduced with effect from next succession thereto, are calculated upon the reduced pay.

29. *Pay of an officer* is, in the case of an officer with a substantive appointment, the amount which he would receive monthly, as his substantive pay.

30. *Pension.*—Except when the term “*Pension*” is used in contradistinction to *Gratuity*, “*Pension*” includes gratuity.

31. *Pensionable Office or Pensionable Service.*—Service is said to be “*Pensionable*” when it qualifies; and an office is said to be “*Pensionable*” when service therein counts.

31-A. *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a Department. This term does not, however, cover a Government servant who holds substantively a permanent post in a cadre and is merely appointed “on probation” to another post.

Note 1.—The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

Note 2.—No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examination.

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32. *Time scale Pay* means the pay which, subject to the good behaviour and satisfactory work of an officer, rises by fixed and periodical increments from a minimum to a maximum. It includes the pay known as progressive pay.

Note.—For brevity's sake, a Progressive and Time scale pay is described by three groups of figures namely the minimum, the increment and the maximum, thus Rs. 100-20-200 means a pay rising from Rs. 100 by a yearly increment of Rs. 20 to Rs. 200.

33. *Public conveyance* means a railway train, boat, tonga, bus or other hired conveyance which plies regularly for conveyance of passengers.

34. *Rule of proportions.*—Pension or leave allowances are said to be chargeable according to the "Rule of Proportion" when the charge is debitable to several accounts in the proportions in which, in the case of pension, the aggregate pay drawn by the officer during the whole of his qualifying service has been paid from them; or in the case of leave allowance, the aggregate salary drawn by the officer during the portion of his service immediately preceding the beginning of his leave which is taken into account in calculating the leave granted to him was charged to such several accounts.

34-A. *Temporary Post* means a post carrying a definite rate of pay sanctioned for a limited time. Such a post can either be held substantively or in an officiating capacity.

Note.—Substantive appointment to a temporary post shall be admissible when the post is to all intents and purposes quasi-permanent or when it has been sanctioned for a period of not less than 3 years. In all other cases appointment to a temporary post shall be permissible in an officiating capacity only.

34-B. *Tenure Post* means a permanent post which an individual Government servant may not hold for more than a limited period.

34 C. (i) *Time scales* are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scales are identical.

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(ii) A post is said to be on the same time scale as another post on a time scale, if the two time scales are identical and the posts fall within a cadre or a class in a cadre, such class or cadre having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishment ; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

34-D. *Travelling allowance* means an allowance granted to an officer to cover the average actual travelling expenses incurred by him in travelling in the interests of Government service.

PART II—RULES REGULATING PAY AND ALLOWANCES.

CHAPTER III—General Rules.

CONDITIONS OF AGE AND HEALTH.

35. No person may be appointed to a superior service [*See Article 190 (b)*] under the Government without a certificate from one of either categories of Medical Officers as detailed under clauses (a) and (b) of Article 24. This certificate must be annexed to the first bill of the officer.

The Government may, in any individual case, in the interests of the Government alone, dispense with the production of the certificate; and may make any rules it considers necessary for prescribing the particular Medical Officer (or officers), whose certificate is required for appointments to any Office or Department.

Note 1.—In case of apprentices and temporary employees, the certificate should be obtained on their first appointment and furnished to the Audit Office when they are made permanent.

Note 2.—Female teachers in the Education Department are exempted from the operation of this rule.

35-A. The certificate should be in the Treasury Form No. 49 with suitable modifications where necessary.

Note 1.—When an officer, in whom a defect has been noticed by the Examining Officers, is transferred from one office to another, the duties of which are different in character, a Medical Officer should report whether the defect will materially interfere with the discharge of the new duties of the officer transferred.

Note 2.—The age to be entered in the service records of an official should be that as entered in his University certificate but if he has no University qualification it should be one that is entered in his School certificate duly attested by a Gazetted Officer of the Education Department. In other cases the Head of the Office concerned should satisfy himself of the correctness of the age declared by requiring the production of horoscope of the concerned person or in any other manner considered suitable. The method adopted should be recorded in writing.

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CONDITIONS OF EMPLOYMENT.

35-B. In the case of every new entrant into Government service, the authority empowered to make the appointment should certify that the person appointed is a hereditary State subject. The Accountant-General should not pass pay bills of such Government servants without definite orders of Government in absence of a certificate in Treasury Form No. Miscellaneous 51 from the Revenue authorities noted below in whose charge the candidate for Government service resides, to the effect that the candidate is a hereditary State subject within the meaning of Government orders dated 31st January, 1927.

(1) For appointments to the posts carrying pay up to Rs. 50 p. m.—Tehsildar.

(2) For appointment to the posts carrying pay from Rs. 50 p. m. and above—Deputy Commissioner.

(3) For contracts—Commissioner.

Note.— If a Deputy Commissioner is not a State subject himself, he shall submit such cases to the next higher authority.

Exception 1.—Retired Gurkhas enlisted as Chowkidars and Sweepers are exempted from producing State subject certificates.

Exception 2.— A competent authority may employ non-Gazetted and menial staff temporarily without the production of State subject certificates.

Exception 3.—The Kashmir Trade Commissioner, New Delhi, can appoint non-State subjects in his office, in case suitable State subjects may not be available.

Exception 4.— The Trade Agents Pathankot and Amritsar are authorised to appoint non-State subjects also on posts classed as inferior provided:—

(a) the previous approval of the Deputy Supplies Minister or the Minister-in-Charge Supplies has been obtained in each case, and

(b) a clear certificate is given in the appointment order to the effect that State subjects are not available.

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Exception 5—The restriction of employing State subjects is relaxed in the case of non-Gazetted staff of Trade Agencies at Calcutta and Bombay.

Exception 6.—Demobilised personnel of the defence forces absorbed as constables in Jammu Province Police are exempt from production of State subject certificate.

Exception 7.—The Director Tourism is authorised to appoint non-State subjects also on posts classed as inferior provided :—

- (a) the previous approval of the Minister-in-Charge has been obtained in each case, and
- (b) a clear certificate is given in the appointment order to the effect that State subjects are not available.

36-A. If an officer, who is appointed on a pay not exceeding fifty rupees a month, cannot conveniently appear before a Medical Officer, the Government may accept a certificate in such form as it considers sufficient from any other officer who need not even be a Medical man.

36-B. No Medical certificate is necessary upon an officer being promoted from Inferior to Superior service even though the officer while in Inferior service may have been paid from a Local Fund.

37. The age of a direct recruit to Government service shall, on the 1st day of April of the year in which the competitive examination is held or the nomination is made in respect of the vacancy to which the direct recruitment is made, not exceed 28 years, provided that the maximum age for such recruitment to the posts shown below does not exceed the limit indicated against each. The age limit may be relaxed by the competent authority.

Gazetted.

- 1. Kashmir Medical Service .. 32 years.
- 2. Kashmir Judicial and Education Service .. 30 ..

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Non-gazetted.

- | | |
|--|-------------|
| 1. Police Sub-Inspectors | } 25 years. |
| 2. Head Constables and Constables | |
| 3. Members of the Fire Brigade in the Kashmir Police subordinate service | |

Note 1.—This limit does not apply to the case of officers, who are engaged for some special period, or who are appointed on non-pensionable establishment or pensioners re-employed under these Regulations or Military pensioners, re-employed in the Police Department if they are medically fit.

Note 2.—In the case of Excise guards appointed temporarily on Special Patrolling duty on the borders, the restriction of age limits is relaxed subject to the condition that those over-age at the time of enlistment shall not be absorbed permanently in the regular cadre on being discharged from the temporary duty.

Note 3.—In case of the work-charged establishment the restriction of age limit should be made applicable at their first appointment to such establishment and not at the time of their being brought on to the regular establishment.

Note 4.—Demobilised *ex*-soldiers of over 30 years of age can be appointed in the Police Department by the Inspector General of Police.

DATE OF RECKONING ALLOWANCES.

38. (a) Unless it be otherwise provided by special rule or contract, the salary of an officer begins when he takes charge of the appointment in respect of which it is earned. If the charge is transferred afternoon, the transfer does not affect allowances until the next day.

Note.—Acting allowance in non-gazetted ranks to officials of a lower grade officiating in higher grade may, if otherwise admissible under the acting allowance rules be allowed without actual change of duties, provided the duties in the two grades are similar.

(b) If, however, the substantive appointment of an officer is changed while he is officiating in an appointment, or if, while so officiating, an officer is appointed, for the first time to some substantive office, then, provided that this tenure of his officiating appointment is not interrupted by his new substantive appointment, he may draw the pay thereof

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without joining it from the date on which he is appointed thereto, or from any later date on which the substantive office becomes vacant.

Note.—In the case of a non-gazetted officer, if the Minister-in-Charge considers that his failure to join his new appointment owing to a change of his appointment within the prescribed period is due to circumstances beyond his control he may by his own order exempt him from the loss of his appointment.

CHARGE OF OFFICE.

39. Unless, for special recorded reasons, (which must be of a public nature), the authority under whose orders the transfer takes place, permits or requires it to be made in any particular case, elsewhere, or otherwise, the charge of an office must be made over at its *headquarters* both the Relieving and Relieved officers being present.

Note.—Ordinarily an officer desiring to proceed on leave from a place other than Headquarters should apply before leaving Headquarters to the authority competent to sanction the leave stating clearly the reasons on account of which it is necessary for him to proceed on official duty to the place from which he proposes to take leave. An exception to this rule being only made in case where necessity for proceeding on leave arises after the officer had gone on tour and in such cases the officer should explain as to why he could not apply for leave in accordance with the procedure.

Further that the above principle shall apply in case of officers desiring to leave State territory on occasion of official holidays when their point of departure is other than their Headquarters.

PROMOTION DURING LEAVE.

40. (a) . An officer on long leave has no claim to *substantive promotion*. Such promotion may, however, be given, but the promotion has effect from the date on which the officer returns to duty.

(b) If an officer, while absent on "short leave" during which the amount of his leave allowances depends upon the substantive or officiating appointment which he would hold if present on duty, obtains promotions, substantive or officiating, or an increase

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of *pay* or acting allowance which involves no change in, or addition to, his duties or responsibilities, the promotion or increase has effect at once.

PERSONAL ALLOWANCES.

41. Unless in any case it is specially ordered otherwise, a personal allowance should be reduced by any amount by which the recipient's *pay* or *salary* may be increased and should cease as soon as his *pay* or *salary* is increased by an amount equal to his personal allowance.

Exception 1.—The personal allowance fixed under Article 22-E (a) of these Regulations in the revision of salaries of Gazetted and non-gazetted officers in Bhadon, 1995 and Baisakh, 1996 respectively and thereafter is, however, exempt from the operation of this rule.

The pay of officers promoted to higher posts before the date of this order according to the amendment as if the amendment has been introduced on the date of the revision of the salaries but will not entitle such officers to claim difference of pay for the intervening period.

Exception 2.—The above rule will not apply to the personal allowance of Rs. 200 sanctioned in Council Order No. 1055-C of 1940 in favour of Conservators of Forests who were appointed in the Forest Department before 22-8-1938 on their appointments as Conservators substantively or in an officiating capacity. This has effect from the date of Council Order 1055-C of 1940 dated 11-10-1940.

Note.—No personal allowance is allowed to persons who have accepted the maximum of a lower post as an alternative to retrenchment.

LOCAL ALLOWANCES

41-A. A Local allowance is admissible to State employees serving in the following localities, whose headquarters are situated therein :—

(i) Padar and Karnah Tehsils at the following rates:—

	Rs.
Officials drawing salary less than Rs. 10 p. m.	.. 1 p. m.

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Officials drawing salary not less than Rs.
Rs. 10 p. m. but less than 15 p. m... 3 p. m.

Officials drawing salary not less than
Rs. 15 p. m. but less than Rs. 20 p.m. 4 „

Officials drawing salary not less than
Rs. 20 p.m. but less than Rs. 35 p.m. 5 „

Officials drawing salary not less than
Rs. 35 p.m. but less than Rs. 56 p.m. 7 „

Officials drawing salary of Rs. 56 p.m.
and above .. 12½ per
cent. of
their sal-
ary sub-
ject to
maximum
of Rs. 50
p. m.

(ii) Frontier Districts :—

30 per cent. of the consolidated salary of the
officials concerned.

Note 1.—These rates do not apply to officers who draw
Local allowance under a special scale.

Note 2.—Government officials who are permanent residents of
a locality for which Local allowance at specified rates is allowed
shall not be given this allowance so long as they are employed
in that locality.

Note 3.—The above rates are also admissible to the members
of establishment touring with officers in Frontier Districts.

Note 4.—Local allowance is admissible to officers on transfer
in the localities in which it is allowed with effect from the date
they reach to the date they return to the places noted in
Article 123 Notes II and III. Officers proceeding to the Gilgit
Frontier on transfer from or through Baramulla may be allow-
ed Local allowance from the date of their departure from
Baramulla.

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41-B. Pending construction of free quarters by the Government, the teachresses imported from outside to serve in Government High and Middle schools for girls may be allowed a house allowance at 10 per cent. of their pay subject to a minimum of Rs. 10 per mensem at Jammu and at 25 per cent. of their pay at Srinagar.

ADVANCES AND THEIR RECOVERY.

42. No advance of *pay* may be made to any Government employee except under orders of the Accountant-General.

43. Deleted.

TRANSFER ON DUTY.

44. (a) No officer (unless he has been newly appointed to the Government service) can begin to draw any pay or allowance at any Treasury in the State, without producing a last pay certificate from the Treasury where his pay or allowance were last disbursed, or from the *Accountant-General*.

(b) The rules regarding the issue of last pay certificates in connection with the "Transfer on duty" are laid down in *paras. 45 and 46 of Financial Code*.

PAY OF OFFICERS UNDERGOING TRAINING
OR INSTRUCTIONS.

44 A. Teachers sent from a Government institution to undergo training in the training college or school who are in receipt of Rs. 50 or less, shall, while under training, receive emoluments, including stipends, of not less than their full substantive pay. Those in receipt of salaries exceeding Rs. 50 per mensem, shall be given three fourths of their substantive pay subject to a minimum of Rs. 50 per mensem, provided no extra expenditure is involved on the Government and that the allowance of substitute can be met from the amounts available from the pay of the teachers and that sanctioned in the Budget for the purpose.

GENERAL RULES

[CHAP. III]

Note.—The teachers with substantive posts deputed for training to the Teacher's Training College, Srinagar are allowed their full substantive pay as stipend while under training, their substitutes being given Rs. 15 p. m. each.

44-B Probationary Inspectors and Sub-Inspectors of the Police Department while under training in the local Police Training Schools, Jammu and Srinagar, will be paid at the minimum of the scales of pay of the Inspectors and Sub-Inspectors respectively in Jammu and at two thirds of the minimum of their scale in Srinagar.

Note 1.—An officer promoted subsequently from the lower rank to the rank of Sub-Inspector shall be allowed the full pay of the post while under training.

Note 2.—The benefit of the above article is extended to the period of practical training outside the Police Training School.

44 C. Constables and Head-Constables of the Police Department shall, while undergoing training in the Finger Print Course, in the Police Training School, Phillaur, be paid a special allowance equal to the difference between the net pay drawn by them and Rs. 55.

44-D. Female teachers with permanent substantive appointments deputed for training in D. T. Classes, in Jammu and Srinagar shall, while under training, receive their substantive pay as stipend while new candidates and unconfirmed and temporary teachresses will get the amount of Rs. 10 per mensem only as stipend.

44 E. Government paid Sub-Inspectors of the Co-operative Department deputed to receive training in the Co-operative training classes will be paid full pay during the period of training provided no extra expenditure is incurred for carrying on their work.

CHAP. IV] ADDITIONS TO SALARY AND DEPUTATIONS

CHAPTER IV—Additions to Salary and Deputations.

INCREASE OF SALARY.

45. Any increase which would have the effect of raising the *Salary* of a permanent appointment requires the sanction of the Government.

ADDITION TO SALARY.

46. Unless in any particular case it be otherwise distinctly provided, the whole time of a public officer must be held to be paid for by the Government, and he may be employed in any manner required by proper authority within his own branch of duty, without claim for additional remuneration.

Note.—See also rules 358 and 359 as well as note thereunder.

47. No honorarium or bonus may be granted to an official without the sanction of the competent authority. The work done must be special and outside the ordinary course of office duties, and it must not interfere with the discharge of those duties.

48. An honorarium, bonus or reward will not ordinarily exceed one month's pay of the official except as provided in Article 48-A.

48-A. Government officers as well as persons who are not public servants are eligible for rewards of remuneration as provided in Schedule III.

49. Any servant of the State is eligible to receive without special permission :—

- (a) the premium awarded for any essay or plan in public competition, or
- (b) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice; and also any reward payable in accordance with the provision of any Act or Regulation or Rule framed under such enactments.

ADDITIONS TO SALARY AND DEPUTATIONS [CHAP. IV]

50. (a) Any officer may receive a fee from a private person or private body, or a public body whose funds are not administered by the Government for work done for it provided:—

- (1) he has undertaken the work with the knowledge and sanction in writing of the Head of his Department;
- (2) that the Head of the Department certifies that it can be carried out without detriment to his official duties; and
- (3) that the acceptance of a fee and the amount of the fee are approved by the authority having power to sanction his appointment [see clause (c) below].

(b) When the work undertaken for a private body is such that it must be done during the time which would otherwise be employed in the service of the Government the fee should be credited to the Government, but the authority having power to sanction the appointment may grant to the officer concerned the whole or such portion of the fee realised as it may deem suitable. [See clause (c) below].

(c) When, however, the amount of the fee exceeds Rs. 100 the sanction of the Government will be required.

Note 1.—This rule does not apply to Medical Officers who are allowed to accept fees from private persons for professional attendance subject only to the orders contained in the *Government Gazette No. 1 dated 3rd Baisakh, 1947.*

Note 2.—The Registrar or Sub-Registrar registering documents at the residence of persons desiring to present documents for registration, are allowed to receive fees under the following rules:—

(a) A person who by reason of sickness or bodily infirmity or some other cause is unable to appear in person before the Registrar or Sub-Registrar for registration of documents, shall be required to pay a fee of Rs. 5.

CHAP. IV] ADDITIONS TO SALARY AND DEPUTATIONS

(b) The Registrar or Sub-Registrar shall proceed beyond the limits of his headquarters to register documents provided the person presenting such documents for registration pays travelling expenses to such officer at the rate of annas 4 a mile exclusively of the above fee.

(c) The Registering officer shall keep the whole of the said travelling expenses plus a moiety of the said fee for himself, the balance being credited to the Government.

Note 3.—Employees of the Education Department required to do University work as Superintendents, Invigilators, Examiners, etc., in connection with different examinations held by the Jammu and Kashmir University can receive the remuneration from the University for such work provided previous sanction of the Minister-in-Charge is obtained in each case.

PERMANENT APPOINTMENTS.

51. No new appointment of a permanent nature can be created without the previous sanction of the Government.

PAY OF TEMPORARY POSTS AND DEPUTATIONS.

52. Where a temporary post is created which may have to be filled up by a person not already in Government service the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

52-A. When a temporary post is created which may have to be filled up by a person who is already a Government servant, its pay should be fixed by the Government with due regard to:—

(a) the character and responsibility of the work to be performed and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Note 1.—Temporary posts are divided into two categories:—

(a) Posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction.

ADDITIONS TO SALARY AND DEPUTATIONS [CHAP. IV]

being that the new posts are temporary and not permanent, and

(b) Isolated posts created for the performance of special tasks unconnected with the ordinary work which a service is called upon to perform such as a post on a commission of enquiry.

Note 2.—(a) The class of posts mentioned at (a) above shall be considered to be a temporary addition to the cadre of a service and shall be in the time scale of the service concerned ordinarily without extra remuneration. Incumbents of these posts shall, therefore, draw their ordinary time scale pay. If the posts involve decided increase in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction deputation allowance in addition under Note 4 below.

(b) For isolated cadre posts it may occasionally be desirable to fix consolidated rates of pay where, however, the post is to be held by members of a service it will ordinarily be preferable to create the post in the time scale of the holders service.

Note 3.—(a) A Government servant placed on special duty or on deputation should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

(b) The sole criterion for sanctioning enhanced pay in such cases is proof of decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. When the test of comparative responsibility is not practicable, Art. 52-A may be followed.

Note 4.—Where, however, the temporary post is created in the time scale of services to which the Government servant so deputed belongs, but the duties of the temporary post involve decided increase of work or responsibilities in comparison with duties of his regular line, the Government servants concerned may in addition be allowed to draw a deputation allowance which should in no case exceed 1/5th of substantive pay or Rs. 10/- a day whichever is less.

Note 5.—Power to sanction deputation allowance under the above rule is vested in Government.

53. *Temporary appointments and deputations*, the cost of which is met from corresponding savings, may be sanctioned by the Government.

53-A The authority which appoints an officer to a temporary appointment may declare that the officer shall hold the appointment substantively for the purpose of

CHAP. IV] ADDITIONS TO SALARY AND DEPUTATIONS

acting allowance rules. The effect of such a declaration will be that if the officer officiates in another appointment while continuing to retain a lien on the temporary appointment his emoluments in respect of temporary appointment will be regarded as his substantive pay for the purpose of calculating his salary.

54. Deleted.

55. The rules given below will apply only to such Government servants as may be selected by the State Government on the recommendation of a Selection Board set up for the purpose or otherwise. No Government Servant can, as a matter of right, claim this benefit.

(a) The officials so deputed will be entitled to :—

- (i) half average salary for the maintenance of their families from the date they relinquish office in the State up to the date they again join duty on return from the foreign country, after successful completion of their study courses ;
- (ii) a lump sum amount of Rs. 500/- in each case as outfit allowance to equip the officials for proceeding to the foreign country ;
- (iii) actual cost of travelling (sea passage and land route) from the post of embarkation in India to the place of institution in foreign country and return therefrom up to the post of dis-embarkation in India ;
- (iv) actual tuition fees charged by the institution ;
- (v) actual cost of books, essential apparatus and cost of study tour abroad subject to a maximum of :—

U K. and countries
in the continent of
Europe.

Up to £ 30 per annum.

ADDITIONS TO SALARY AND DEPUTATIONS [CHAP. IV

U. S. A. and Canada. Up to \$ 125 per annum.
Germany and Japan. Up to Rs. 400/- do.

Note.—Books and essential apparatus etc. so purchased at the cost of Government will be returned to and deposited with the Head of the Department to which the Officer belongs after his return from training.

(vi) daily allowance during the course of the study at the rate of £ 1 in U. K. and the continent of Europe and 30 Shillings in U. S. A. or the rates of daily allowance which the Government of India pay to their scholars at these places, whichever is lower.

(b) In making the selection of the officials, the following points will among others be taken into consideration :—

- (i) that the age of the Government servant selected does not ordinarily exceed 40 years ;
- (ii) that he has rendered a minimum service of five years in his Department which condition may be relaxed by Government in deserving cases ;
- (iii) that the course of study is recognised by the Government and prescribed for the particular Government Servant and relates to the Department to which he belongs ;
- (iv) that he possesses the qualifications required for the particular course of study, has a good record of service and has special aptitude for the study for which he is selected ;
- (v) that he obtains a proper Degree or Diploma after successful completion of his course and as a proof of it.

(c) The Government servant selected for such a

CHAP. IV] ADDITIONS TO SALARY AND DEPUTATIONS

course of study shall have to enter into a bond to serve the State for a period of 7 years, if so required, by the State Government on his return, after the successful completion of his study and to refund in full along with such penalty as may be imposed by the Government in this behalf, the expenditure incurred on him in case :—

(i) he fails to complete the course within the specified period or such other extended period as may be permitted by the Government in this behalf, and/or

(ii) he fails to serve the State for the period stipulated in the agreement.

(d) The Government servant so selected will not on his return after successful completion of his studies, claim any special benefit because of his advanced or specialised studies or any special treatment or privilege in the matter of pay, allowances, seniority or other service rights.

EPIDEMIC DUTY.

55 A. Deputation allowance at 20% of their pay shall be given to Medical Officers, Assistant Surgeons Grade II, Compounders, Vaccinators, Sanitary Inspectors, Insect Collectors, Literate Workers, Disinfectors, Laboratory Assistants, Nurses and Dais (with the exception of temporary hands specially employed for Epidemic duties) who are deputed on Epidemic duty whether in Towns or in the Muffasil. The Gazetted and non-Gazetted staff as detailed above belonging to the Epidemic Department will also be entitled to this allowance for the period the Epidemic lasts.

This rule has retrospective effect in respect of Sub-Assistant Surgeons from Baisakh 2002 to 24-4 1951 and thenceforward in respect of Assistant Surgeons grade II.

RENT OF GOVERNMENT RESIDENCIES [CHAP. IV-A

CHAPTER IV-A—Rent of Government Residences.

55-B. The following rules govern the allotment to Government servants for use by them as residences of buildings owned by Government or such portions thereof as may be made available for the purpose :—

CONDITIONS FOR GRANT OF RENT FREE HOUSES.

(a) No public building furnished or unfurnished may be occupied as a private residence rent free without the orders of the Government.

CAPITAL COST OF RESIDENCE.

(b) For the purpose of assessment of rent, the capital cost of a residence owned by Government shall be either—

(i) The cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction or, when this is not known,

(ii) The present value of the residence estimated by the competent authority.

Note.—The cost of restoration or special repairs shall not be added to the capital cost or present value unless such restoration and repairs add to accommodation and involve replacement of the existing type of work of a more expensive character.

In the case of the buildings of the Forest Department in which the capital cost of the timber used is not known addition of 12 per cent on account of cost of timber shall be made. In the case of such buildings of which actual cost cannot be obtained, the Conservator of Forests shall determine the Capital cost.

STANDARD RENT AND ASSESSMENT THEREOF.

(c) The rent payable by the Government servants shall be $6\frac{1}{2}\%$ per annum of the Capital cost of the House or 10% of the emoluments of the officer whichever is less. No rent shall be charged for the Land appertaining to the building.

CHAP. IV-A] RENT OF GOVERNMENT RESIDENCIES

Rent of Electric fitting shall be charged at 8% p. a. of the Capital cost of fittings. No rent on this account shall be charged to the officers enjoying the concession of rent free houses. 15% per annum of the Capital cost of fittings is to be charged in the case of buildings let out to private individuals.

Note 1.—Emoluments referred to in these rules include :

- (i) pay ;
- (ii) duty, compensatory and other allowances (other than travelling allowances) whether drawn from General Revenues or from a local fund ;
- (iii) all other fixed additions to pay and allowances received as part of the authorised remuneration for a post ;
- (iv) pension, other than a pension drawn under the provisions of Chapter XIX-A of these Regulations.

Note 2 —The emoluments of a Government servant paid at piece work rates shall be determined in such manner as the Government may prescribe.

Note 3.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete month of duty performed by him prior to his departure on leave.

(d) When Government residential building is occupied by more than one officer the total combined emoluments of the officers occupying such building should be taken into account in assessing rent while giving the benefit of 10% of salary.

(e) Assessment of rent of building of the Forest Department partly used for residential purposes shall be based on certificate of the Conservator of Forests regarding the actual portion of the house used by an officer.

In addition to the usual rent, an officer occupying a Government house will be required to pay meter hire and the cost of water, electric energy etc., consumed.

GARDENS ATTACHED TO BUILDINGS.

(f) Every Government Building yielding a rent of Rs. 75 p. m. inclusive of the rent charged for fittings and furniture will have a gardener attached to it paid by

Government. The produce of the garden will be shared in following manner:—

Fruits will be sold by Government and sale proceeds credited into Government Treasury while grass and vegetables will belong to the tenant.

GENERAL INSTRUCTIONS FOR FURNISHING OF RESIDENTIAL BUILDINGS.

(g) (i) Some Government Residential Buildings are furnished and some are unfurnished. No house not furnished shall be provided with furniture at any place and all such houses shall be let unfurnished.

(ii) The P. W. D. shall arrange to furnish all furnished residential houses in accordance with the scale provided that the maximum value of furniture does not exceed Rs. 10,000 in the case of the Prime Minister and Rs. 6,000 in the case of Ministers and Rs. 3,000 in other cases.

(iii) The scale of article may be altered with the sanction of Government only when additions and alterations have been made to the building.

(iv) Replacement of an article valuing Rs. 200 and above will require Government sanction.

(v) The officers making use of furniture shall be responsible to its use with reasonable care and for any damage caused to it, other than through ordinary wear and tear.

(vi) No flimsy articles such as curtains or covers for cushions shall be stored or rented out.

(vii) If an officer may require the removing of any article which he does not need, such article will then be removed by the Divisional Engineer incharge and no rent will be charged from the date of removal for such article provided that no part of furniture required for complete furnishing of a house which is declared as fully furnished shall be removed merely because it is not required by a particular occupant, if it is not in

CHAP. V] ACTING ALLOWANCES—GENERAL RULES

excess of the scale laid down by Government. If it is removed to suit the convenience of occupant full rent shall still be charged.

(viii) Every furnished house will have attached to it a Chowkidar Farash paid by the P. W. D. who will be responsible for the proper custody of the furniture in the house and for the watch and ward of the house when untenanted

(ix) Rent on furniture will be charged at 15% per annum of its value arrived at as under, subject to maximum of :—

- (i) Rs. 75 per mensem in the case of Prime Minister ;
- (ii) Rs. 50 per mensem in the case of Ministers, the Chief Justice and the Judges of the High Court and the Advisers to Government ; and
- (iii) Rs. 35 in the case of Major Heads of Departments and other officers.

Maintenance	... 6½%
Depreciation	.. 5%
Interest	... 3½%

CHAPTER V —Acting Allowances—General Rules.

SECTION I—DEFINITIONS AND LIMITATIONS.

DEFINITIONS.

56. “*Acting Allowance*” is the allowance given, in addition to substantive pay (if any), to an officer who is appointed to officiate in an appointment of which either there is no holder or of which the holder is an *absentee*.

ACTING ALLOWANCES—GENERAL RULES [CHAP. V]

Note 1.—In certain cases, as defined in Articles 57 to 61, it is permissible to appoint an officer "provisionally" or "substantively protempore" instead of appointing him to officiate.

Note 2.—It is also permissible instead of appointing an officer to officiate, to appoint him to be in charge of the current duties of the vacant appointment. In such cases a "Charge allowance" is given as explained in Articles 62, 63 and 85 to 87.

Note 3.—No acting allowance be paid to a Government servant who officiates in higher appointment for a period not exceeding four weeks; but when the period exceeds 4 weeks the allowance admissible under the rules will be paid for the whole period.

Note 4.—The special concession allowed under Notes 2 and 5 of Article 123 should be held to carry with it the authority for acting appointments during the transit period involved both ways.

Note 5.—Acting arrangements will be admissible in the appointments of Inspectors, Sub-Inspectors and Head-Constables of Police consequent upon probationary Inspectors and Sub-Inspectors of Police being ordered or permitted to undergo a course of training at Local Training School, or at the Phillaur School, officiating allowances being as usual calculated on the lowest rate of pay of Inspectors and Sub-Inspectors and Head Constables respectively.

Note 6.—Acting arrangements will also be admissible during the period probationary Sub Inspectors and Inspectors receive the practical training outside the Police Training School. This order has effect from 15-12-49.

Note 7.—In the Education Department Substitute Teachers, Lecturers and Professors employed in temporary arrangements of less than six months duration whose appointment would terminate during the period of vacation, should be discharged before the commencement of the vacation. In exceptional cases a relaxation of this rule may be permitted by the Minister-in-Charge of the Education Department.

PROVISIONAL APPOINTMENTS.

57. If an officer is transferred to *duty* which is such that he retains no connection with his own appointment and *which* there is reason to believe, will not terminate *within 3 years*, a competent authority may, if it thinks fit suspend his lien upon his own appointment altogether, and fill up that appointment substantively, reserving only the right to reverse the arrangements thus made in case the absent officer at any time reverts to his original appointment.

CHAP. V] ACTING ALLOWANCES — GENERAL RULES

SUBSTANTIVE *Protempore* APPOINTMENTS.

58. An officer may be appointed substantively *protempore* on full pay without prejudice to the lien of *absentee* in place of—

- (1) An *absentee* who draws no part of the pay of his appointment.
- (2) An officer holding a *temporary appointment* or *on deputation* within the meaning of Article 52, if the temporary appointment or deputation is for 6 *months* or more.

59. The full pay of an officer thus appointed substantively for a time only may, in like manner and upon the same condition, be given to a substitute similarly appointed. The status of an officer appointed substantively *protempore* under this article is that of an acting officer and if he is appointed to officiate in a higher appointment, his *salary* is reckoned upon his substantive pay proper and not upon the *pay* of the appointment he held substantively *protempore*.

Note 1. — Full pay is not to be drawn under Articles 57 and 58 as a matter of course, or unless the officer claiming it has been formally appointed “provisionally” or “substantively *protempore*” by competent authority.

Note 2. — This rule is subject to the proviso that the salary of an officer who is substantive *protempore* in one appointment, and who is appointed to officiate in a higher appointment should not be less than that which he drew while holding the substantive *protempore* appointment. While appointed to officiate in a higher appointment or in a higher class the officer does not cease to hold the former appointment substantively *protempore* unless expressly reverted and unless the officiating appointment is expected to last for at least three months, the authority appointing him may not revert him to his substantive appointment merely for the purpose of appointing another officer to the substantive *protempore* appointment.

60. An officer appointed to act in another office is not an *absentee* within the meaning of Article 58, unless the full pay of that office is available and he is appointed to it substantively *protempore*.

ACTING ALLOWANCES—GENERAL RULES [CHAP. V

61. An *absentee* who receives absentee allowances draws within the meaning of Article 58 “part of the *pay of his appointment*”.

CHARGE ALLOWANCES.

62. An officer transferred from another *station* to be incharge of the current duties of an office independently, *without retaining charge of his own office*, is entitled to a charge allowance of three-quarters of the acting allowance which would be admissible to him if he were appointed to officiate in the office (*see Article 85*). An officer cannot be thus appointed to be in charge of a “*grade*”.

Note 1.—Article 87 applies here also.

Note 2.—Note 3 to Art. 56 applies here also.

63. The Government may, if it thinks fit, assign to the officer a charge allowance of less than the amount thus admissible, and on the other hand, if it thinks this amount too small may grant him, for special recorded reasons, the full acting allowance. Charge allowance under this article must never exceed what an other would draw as acting allowance if appointed to officiate in the appointment.

Note 1.— Article 87 applies here also.

SECTION II—MAXIMUM AND MINIMUM SALARIES.

GENERAL RULES.

64. (a) The maximum salary of an officiating officer is the *pay of the appointment*, and the minimum salary half the *pay of the appointment*.

(b) In the case of the following officers the minimum salary should not be less than the amount shown against each :—

I.—Judicial Department.

	Rs.
(1) Acting Munsiffs	200 per mensem.

CHAP. V] ACTING ALLOWANCES— GENERAL RULES

II—Revenue Department. Rs.

(1) Acting Deputy Commissioner	...	...	330 per mensem
(2) Acting Tehsildar	...	...	175 „ „
(3) Officiating Naib Tehsildar	...	...	120 „ „

III.—Education Department.

(1) Acting Lecturer	...	...	180 „ „
(2) Acting Professor 400-25-600	...	...	330 „ „

IV.—Medical Department.

Assistant Surgeon grade I	...	...	180 „ „
Acting Assistant Surgeons grade II	...	...	150 „ „

V.—Public Works Department.

Acting probationery and temporary Assistant Engineers	...	...	250 „ „
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VI.—Electrical Department.

Acting or Probationery and temporary Assistant Engineers	...	...	250 per mensem with effect from 1-2-2008.
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VII.—Police Department.

Acting Assistant Superintendent of Police	...	250 P. M.
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VIII.—Acting Heads of Department.

Class I in the scale of Rs. 600-40-800-50-900..	600 per mensem
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Note.—Note 3 to Article 56 applies here also.

SECTION II—PRIVILEGE LEAVE VACANCIES.

65. As a general rule the duties of an officer absent on privilege leave taken separately and not combined with other leave under Article 130, shall be discharged by another officer in the same Station or District. Only in exceptional cases where there is absolutely no officer available on the spot, can the transfer of an officer from another station or district

ACTING ALLOWANCE—RULES FOR CALCULATION [CHAP. VI]

to act in consequence of the absence of an officer on privilege leave, be allowed.

Note.—Note 3 to Article 56 applies here also.

CHAPTER VI.—Acting Allowance—Rules for Calculation.

OFFICERS WITH A SUBSTANTIVE APPOINTMENT.

66. An officer with a substantive appointment on a permanent establishment, officiating in an appointment of which the pay is not less than Rs. 100, is entitled to an acting allowance of one fifth of the *pay of the appointment* [see Article 64 (a) and (b)] : Provided that no officer may under this article be appointed to officiate in a higher grade of the same category or in a higher grade of the same class where the class has not been divided into categories.

Note 1—Employees of the Public Works Department holding Substantive appointment on the permanent scale but not yet made permanent *pensionable* may be considered as on permanent establishment for the purpose of this rule.

Note 2.—When an Under Secretary officiates as Secretary, he will be entitled to an acting allowance of Rs. 75 per mensem in addition to his substantive pay.

Note 3.—Note 3 to Art. 56 applies here also.

OFFICERS WITHOUT A SUBSTANTIVE APPOINTMENT.

67. An officer without a substantive appointment on a permanent establishment, officiating in an appointment the pay of which is not less than Rs. 100, is entitled to an acting allowance of half the *pay of the appointment*.

Note.—See Article 64(a) and (b).

68. If the *pay of the appointment* is less than Rs. 200 and the competent authority concerned considers that the acting allowances admissible by rule are insufficient, it may grant to the officiating officer higher allowances not exceeding the difference between the *pay of the appointment* and the portion of it drawn by the *absentee* for whom he officiates.

CHAP. VI] ACTING ALLOWANCE—RULES FOR CALCULATION

Note.— See also Article 60.

APPOINTMENTS ON LESS THAN RS. 100.

69. The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 shou'd. as far as practicable, be regulated by Articles 66 and 67. The following conditions must be observed :—

- (i) If the officiating officer has a substantive appointment, his salary must not exceed what it would be if Article 66 were exactly applied.
- (ii) If he has no *substantive* appointment, the officer who appoints him may grant him such allowance, not exceeding the *pay* of the appointment as he considers necessary. (*See Article 28*).
- (iii) If the vacancy is caused by the absence on leave of an officer whose pay is less than Rs. 100 the absentee allowance of such officer must not exceed the difference between his *pay* and the sum of the acting allowance, paid in consequence of his absence (*see also Article 159 and its note I*).

Note 1.—Foresters when put in-charge of Ranges, may be granted acting allowance under Article 69. Such Foresters will not be exempted from payment of house-rent.

Note 2.—Orderlies officiating as clerks may be allowed a salary equal to the minimum of the post of a clerk by the competent authority.

Note 3.—Note 3 to Article 56 applies here also.

70. The third of the conditions above-mentioned is not enforced in the case of officers on privilege leave or on leave on medical certificate.

SUB-DIVISIONAL ALLOWANCE.

70 A. Upper subordinates (including supervisor) and lower subordinates of Public Works Department when

REGULATION OF PROGRESSIVE OR TIME SCALE PAY [CHAP. VII]

placed in charge of one or more duly sanctioned sub-divisions whether Assistant Engineer's charge or not may be granted a Sub-Divisional allowance of Rs. 30 and Rs. 20 per mensem, respectively, with the sanction of the Chief Engineer. Subordinates of these classes will be placed in charge of Sub-Division only when no Assistant Engineer is available.

Note.—Note 3 to Art. 56 applies here also.

CHAPTER VII—Regulation of Pay and Allowances in Appointments on Progressive or Time Scale of Pay.

LIMITATION.

71. (a) Except under special orders to the contrary a progressive or time scale pay shall not rise from the minimum to the maximum by less than five equal yearly instalments.

(b) Officers serving under special agreements will have their pay and emoluments regulated according to the terms of their agreements.

ACCRUAL OF INCREMENT.

72. An increment accrues from the date following that on which it is earned.

73. A periodical increment may not be drawn as a matter of course by an officer serving on a time scale without the sanction of competent authority. Such increment should not be granted if the officer's conduct has not been good or his work has not been satisfactory.

Note 1.—The above rule does not apply to Class I Officers mentioned in Schedule I.

Note 2.—In the case of probationery and temporary Assistant Engineers who will draw first increment of Rs. 25 p. m. after completion of first year's probation, the second annual increment of Rs. 25 p. m. raising their pay to Rs. 300 p. m. will not be drawn by them till they are declared to have completed their period of probation satisfactorily and are confirmed.

CHAP. VII] REGULATION OF PROGRESSIVE OR TIME SCALE PAY

74. It is contrary to the principles of progressive pay to grant an increment before it is due, and such a grant should not be recommended or allowed except under circumstances which would justify a personal allowance to an officer whose office or pay is fixed, that is to say, seldom if ever.

74 A. An increment may be withheld from a Government servant by competent authority if his conduct has not been good or his work has not been satisfactory.

74 B. In the absence of any definite provision to the contrary, the order withholding an increment will not have the effect of postponing future increments and the Government servant concerned will, after the period for which the increment is stopped, get the same pay and increments as he would have got in the normal course.

75. An officer reduced to a lower grade of appointment on account of misconduct or inefficiency cannot, without the special sanction of authority, by whom he is reinstated or promoted, count for increments previous service in the grade or appointment from which he was reduced.

76. When an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the competent authority.

INITIAL PAY.

77. The initial substantive pay of a Government servant who is appointed substantively to a post on a time scale of pay is to be regulated as follows:—

(a) If he holds a lien on a permanent post or would hold a lien on such a post, had it not been suspended under Article 57 of these Regulations:—

(i) when appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching

REGULATION OF PROGRESSIVE OR TIME SCALE PAY [CHAP. VII]

to such permanent post, he will draw as initial pay, the stage of the time scale next above his substantive pay in respect of the old post;

- (ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time scale which is equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference and in either case will continue to draw that pay until such time as he would have received an increment in the time scale of old post or for the period after which an increment is earned in the time scale of the new post whichever is less. But if the minimum pay of the time scale of the new post is higher than his substantive pay in respect of the old post he will draw that minimum as his initial pay; when appointment to the new post is made at his own request other than as a measure of penalty under Art. 81 and the maximum pay in the time scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Note.—If the maximum pay of a post is altered with no change in the rate of increment and the minimum or where the minimum pay alone is altered, the maximum and the rate of increment remaining unchanged, the initial pay of the holder should be fixed under Art. 77(b) and not Article 77 (a) (i) of these Regulations even though the incumbent may be holding the post substantively.

In other cases where the scale of pay is changed from a lower to a higher scale either in its entirety or in respect of both the minimum/maximum and the rate of increment, or when both the minimum and maximum are raised even without alteration in the rate of increment, assumption of duties or responsibilities of greater importance shall be presumed under Exception I to Art. 77 and the Government servant concerned shall on his transfer to the new post draw, under Art. 77 (a) (i) of these Regulations as initial pay, the stage of time scale next above his substantive pay in respect of the old post. This will have effect from 1-5-2010.

- (b) If the conditions prescribed in Clause (a)

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are not fulfilled, he will draw as initial pay the minimum of the time scale provided both in cases covered by Clause (a) and in cases, other than cases of re-employment after resignation from public service, covered by Clause (b), that if either:—

- (i) has previously held substantively or officiated in (i) the same post or (ii) a permanent post on the same time scale, or (iii) a permanent post other than a tenure post, on an identical time scale, or
- (ii) is appointed substantively to a tenure post on a time scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated, then the initial pay shall not be less than the pay, which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

Note 1.—Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or a special post not included in it, does not constitute “substantive appointment to a post” for the purposes of Art. 77.

Note 2.—The expression “if he holds lien on a permanent post” occurring in Clause (a) of Art. 77 is held to include the lien on a permanent post to which a Government servant is appointed in a provisional substantive capacity under Art. 57 and the expression “substantive pay in respect of the old post” occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Art. 77 (a) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed when the initial pay of a Government servant in a post is thus fixed, it will not be affected, even if during the tenure of his appointment to that post he reverts from his provisional appointment.

Note 3.—When a Government servant is appointed to officiate in a post on a time scale, but has his pay fixed below the minimum of the time scale under Art. 80-A or where his salary under Art. 8c falls below the minimum or a stage in the time scale, he shall not be treated as having effectively officiated in that post within the meaning of Art. 77 (b) or having

REGULATION OF PROGRESSIVE OR TIME SCALE PAY [CHAP. VII]

rendered duty in it under Art. 78. Such an officer on appointment shall have his initial pay fixed under Art. 77 (b) and draw the next increment after he has put in duty for the usual period required, calculated from the date of his appointment.

Note 4.—Reversion of a Government servant to his former permanent substantive post from a temporary post which he may have held substantively under note to Art. 34-A does not constitute “substantive appointment to a post” within the meaning of Art. 77.

Exception.—A formal declaration as to the assumption of higher responsibilities is required only in doubtful cases. When an appointment is made from a lower scale to a higher scale as distinguished from a higher grade of the same scale, or a parallel scale, higher responsibility may be presumed. But if an officer is promoted from the lower grade of 250-20-350 in the higher grade of 350-25-700 in the scale 250-20-350-25-700 the assumption of duties of a more responsible nature cannot be presumed nor can such responsibility be presumed if for instance an officer working in the 85-5-135 scale as Examiner in the Accountant-General's Office is appointed as Assistant Accountant in the Public Works Department in the parallel scale of 85-5-135.

Note 5.—The pay of officials who worked as S. P. T. in the old scales or drew pay equal to a stage of the old scale in an officiating capacity should be fixed in the corresponding revised scales after giving them the benefit of S. P. T. or such officiating service.

78. Service counts for increment as below :—

- (i) Duty in a post to which a time scale applies counts for increments in that time scale.
- (ii) Officiating service in another post, service in a temporary post and leave with allowances count for increments in time scale applicable to the post on which the Government servant concerned holds a lien or would hold a lien, if it were not suspended. However, competent authority may allow a Government servant to count for increment leave without pay, if it is satisfied that the leave was taken on account of illness or some other cause beyond the control of the Government servant concerned.

79. (a) If a Government servant while officiating in a post on a time scale or holding a post on a time scale is appointed to officiate in a higher post, his officiating service in the higher post shall if he is re-appointed

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to the lower post count for increments in the time scale applicable to such lower post.

(b) Foreign service counts for increments in the time scale applicable to :—

- (i) the post in Government service on which the Government servant concerned holds a lien or would hold a lien if it were not suspended ;
- (ii) a post to which the Government servant might receive officiating promotion for the duration of such promotions.

ACTING ALLOWANCE.

80. In the case of progressive or time scale appointments acting allowances are fixed as follows :—

- (a) An officer whose substantive pay is progressive and who acts in an office of which pay is fixed. In this case the officer's acting allowance is calculated as if his substantive pay were a fixed one equal to the amount at which from time to time it stands.
- (b) An officer whose substantive pay is fixed and who acts in an office of which the pay is progressive. In this case the officer's acting allowance is calculated upon the pay to which he would from time to time have risen if he had held the officiating appointment substantively.
- (c) An officer whose substantive pay is progressive and who acts in an office of which the pay is progressive. In this case the officer draws :—
 - (i) His substantive pay with increments thereof as they fall due.
 - (ii) The acting allowance which he would have drawn if the substantive and officiating appointments were both on fixed pay equal to the minimum.

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Note 1.—When calculating the salary of an officer who acts in an appointment the whole of the acting tenure whether continuous or not should be taken into account.

Example.—An officer who is substantively in the Rs. 170 stage of an appointment on Rs. 150-10-200 is appointed to act in an office of which the pay is 200-8-240, his salary is thus fixed :—

	Rs.
Pay	... 170
Acting allowance on Rs. 200	... 40
	— —
Total	... 210

but this is limited for the first year to Rs. 200 per mensem, next year he gets Rs. 180 plus acting allowance of Rs. 40 total Rs. 220. But this is limited for a year to Rs. 208.

Note 2.—Note 3 to Art. 56 applies here also.

80-A. A Government servant officiating in a post on time scale may be given less than the full amount admissible under the above rules, by the authority competent to sanction the officiating arrangement.

81. The authority which orders the transfer of an officer as a penalty, from a higher to a lower appointment, may allow him to draw any salary, not exceeding the maximum of the lower appointment as it may think proper.

Note.—This rule does not apply to cases where the Government servant is reverted to his former lower post, for which see Article 77 *ibid.*

82. The incumbent of an appointment, the pay of which is changed shall be treated as if he were transferred to a new appointment on the new pay, provided that he may at his option retain his old pay until the date on which he earns his next or any subsequent increment in the old scale or until he vacates his post or ceases to draw pay on that time scale. Similarly an officer promoted to a higher post on a time scale may at his option be treated as officiating in the higher post till he receives the next or any subsequent increment in his old post. The option once exercised shall be final.

CHAP. VIII] COMBINATION OF APPOINTMENTS AND SALARIES

TIME UNDER SUSPENSION.

83. Time passed under suspension does not count towards increments if the suspension is a penalty for misconduct but an officer in directing reinstatement of a person who has been suspended may declare that the time shall count.

OFFICER UNDER TRAINING.

84. Government officials with substantive appointments on time scale of pay who are, in the interest of the Government, selected to undergo a course of training may count the time spent under training as service qualifying for increment of pay, provided they pass the examination within the prescribed limit.

CHAPTER VIII—Combination of Appointments and Salaries.

CHARGE OF CURRENT DUTIES.

85. An officer appointed to be in-charge of the current duties of an office *in addition to his own duties* may, if the charge in the opinion of the Minister-in-Charge entails a substantial increase of responsibility and some additional work, be granted a charge allowance, to be fixed by the Minister-in-Charge not exceeding 1/10th of the pay of the office. In case of non-gazetted officers the authority empowered to sanction appointment or dismissal will be competent to grant charge allowance.

Note.—Note 3 to Art. 56 applies here also.

86. The salary of an officer appointed to be in charge of the current duties of an *additional office* shall never exceed the salary which he would receive for officiating in the office ; one effect of this rule is that, unless the Government makes the declaration indicated in the Note under Article 89, an officer is not entitled to any allowance for taking charge of an office the pay of which is not more than that of his own substantive office.

COMBINATION OF APPOINTMENTS AND SALARIES [CHAP. VIII]

Note.—Note 3 to Art. 56 applies here also.

87. No allowance is admissible under Article 85 unless the incumbent has actually given over charge of the office under the orders of competent authority, and is absent on leave or deputation or is under suspension. For instance no allowance is admissible to a subordinate officer empowered to dispose of routine business while his superior is on tour.

88. Deleted.

TEMPORARY ARRANGEMENTS.

89. The *Government* may appoint one officer to hold substantively as a temporary measure, or to officiate in two or more *independent* appointments at one time. In such a case, the emoluments are regulated as follows:—

- (i) He draws the highest *salary* to which he would be entitled if he held, or, as the case may be officiated in any one of the appointments alone ;
- (ii) For the other appointment or appointments he draws such allowances as the *Government* may fix, not exceeding for each appointment half the salary which he would draw if he held, or as the case may be, officiated in it alone ;
- (iii) Provided that his aggregate *salary* shall not exceed the pay which he would draw in the most highly paid of the appointments, if he held it substantively and alone.

Note.—The proviso of this Article may be dispensed with if the Government declares that for special reasons which shall be recorded, it is necessary on public grounds, to entrust to the one officer the duties of several offices at once and that the salary to which he would be limited by this proviso is not enough.

Restrictions.

APPOINTMENTS ON THE STATE ESTABLISHMENT.

90. Article 89 does not apply to the case of an officer discharging the *duties* of more than one appoint-

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JOINING TIME

ment in the *same office*, or on the *same establishment*. An officer so employed is entitled to the highest *salary* to which he would be entitled if he held or officiated in any of the appointments alone, and to nothing more.

Example. A subordinate doing the duties of another subordinate in the same office.

CHAPTER IX—Joining Time.

EXTENT OF APPLICATION.

91. The rules in this Chapter apply to an *officer* who with the consent of the Head of his office, or under the orders of competent authority, is transferred to service in another *office* on grounds of public convenience only, and not at his own request, for his own advantage, or in consequence of any fault on his part.

92. Joining Time is the time allowed to an officer to proceed from one *station* to another, when his appointment is changed, or when being unemployed, he is appointed to any office. An officer is held to be on duty during Joining Time if he is entitled to allowances.

PERIOD ADMISSIBLE.

93. Only one day is allowed for joining an appointment which does not necessarily involve a change of *residence* from one *station* to another.

Note 1.—Srinagar and Jammu stations include cantonment areas of Badami Bagh and Satwari.

Note 2.—Sundays are included in the calculation of the joining time of one day admissible under this Article. An officer who gives over charge on Saturday forenoon must, therefore, take charge on Saturday afternoon, and an officer who gives over charge on Saturday afternoon must take charge on Monday forenoon.

Note 3.—Ahalmads, Record-keepers, execution clerks, Nazirs of the Courts of District and Sessions Judges, District Magistrates, Additional District Magistrates, Sub-Judges, Munsiffs and Sub-Registrars and clerks of the

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Debt Conciliation Boards including the office of Special Judge, having custody of pending Judicial records when transferred to other office permanently or when proceeding on leave for a period of 2 months or more, the relieved and relieving officials will be regarded as on duty in the same post while the charge is being transferred. In this case the transfer of charge shall not ordinarily take more than 4 days but this period may be extended to 7 days under the written sanction of the Presiding Officer of the Court and to 10 days under the written sanction of the District and Sessions Judge, except that in respect of clerks in charge of Judicial records of the Debt Conciliation Boards including the office of the Special Judge, the extension of 7 and 10 days will be sanctioned by the Presiding Officer of the Board and written sanction of the Land Reforms Officer respectively. This will have effect from the date the records came into existence.

94. In cases involving a change of *station*, Joining Time is calculated as follows, subject to a maximum of 30 days (Sundays are not included in the calculation) :—

Six days for preparation, and in addition thereto :—

For the portion of the journey for which the officer travels or might travel— (A day for each).

- | | | |
|---|--------|------------|
| (1) By Railway | | 250 miles. |
| (2) By motor car, motor lorry, bus or other public stage conveyance drawn by horses | | 80 miles. |
| (3) In any other way | | 15 miles. |

An extra day is allowed for any fraction of distance over that prescribed.

Note 1.—On the occasion of the periodical transfer of Farashkhana Head Tehvildars after every five years from Srinagar to Jammu and *vice versa* the maximum time for making and taking over charge of Farashkhana Stores by these officials is fixed at 2 months.

Note 2.—The period of transfer of charge of the Tehvildar Toshakhana is fixed as two months.

Note 3.—On the occasion of transfer of subordinates of the Forest Department from one Depot to another or from one beat to another, the Minister-in-Charge may allow time spent in the transfer of charges within the maximum limit of 15 days.

Note 4.—On the periodical transfer of Tehvildars of Farms Department the period for making over charge of stock is fixed at 30 days.

Note 5.—The maximum period of 2 months and 15 days is fixed for transfer of charge of the stores of Parts Department of the Transport Department.

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Note 6.—Combination of Joining Time and Casual leave is inadmissible.

95. By whatever route the officer travels, his Joining Time shall, unless the *Head of Department* specially permits otherwise, be calculated by the route which travellers habitually use.

EXTENSION.

96. If the the Minister-in-Charge of the Department is satisfied that an officer has, through no fault of his own been unable to avail himself of the usual mode of travelling he may extend even the maximum Joining Time of 30 days. But in that case he should report his proceedings to the Government with a full statement of the circumstances of the case. (*See also Note to Art. 93*).

97. Subject to the maximum of 30 days the Minister-in-Charge or such other officers to whom power in this respect may be delegated may, for reasons stated, extend the Joining Time admissible by rule (*Articles 93 and 94*), if he considers such extension necessary for the public convenience, or for the saving of public expense, as, for example, to prevent unnecessary and merely formal transfers.

Note 1.—Periods not exceeding three and six days may be allowed to Saddar Treasury Officer, Srinagar and Jammu respectively for completing transfers of charge.

Note 2.—A period not exceeding 2 days may be allowed to Muffasil Treasury Officers and to Saddar and Muffasil treasurers for completing the transfer of charge.

98. On being satisfied that the rules have, in any particular case, operated hardly, as, for example, if an officer has, through no default on his part, missed a train or fallen sick on the journey, the Minister-in-Charge or such other officers to whom powers in this respect may be delegated, may (provided the maximum of 30 days is not exceeded), for reasons stated, allow concessions in excess of what is admissible by these rules, on such conditions as to allowances or otherwise as he may think fit. Such concessions must not be made as a mere indulgence or otherwise than because

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the rules do not appear to provide reasonably and equitably for the case.

99. If the officer satisfies his new departmental superior that notwithstanding due diligence on his part, the journey has occupied altogether more time than is allowed by the rules, the time actually occupied may be allowed. Provided that the maximum of 30 days is not exceeded.

100. The *Audit Officer* shall bring to the notice of the Minister-in-Charge any concession made under the preceding articles which seems to him improper, or unreasonable, and shall move the Minister-in-Charge to report to Government any concession made under Article 98, or extension made under Art. 97, which appear to him contrary to the spirit of these rules. The Minister-in-Charge may not, in either case, finally over rule that *Audit Officer* without a reference to Government.

WHEN LEAVE INTERVENES.

101. (a) When an officer, after giving over charge of his office at one station on transfer or reversion to another office, takes Privilege or Examination leave before joining the office to which he has been transferred, or to which he has reverted, or (b) when an officer, while on Privilege or Examination leave, is transferred to a station other than that from which he took leave, he is *entitled* to Joining Time, in addition to his Privilege or Examination leave. The Joining Time of an officer transferred during Privilege or Examination leave will be *counted* from his old station, or from the place where he received the order of transfer, whichever calculation would entitle him to the less Joining Time.

102. If an officer, during transit from one appointment to another obtains Furlough on Medical certificate (with or without privilege leave prefixed), he may be *allowed* only the Joining Time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

102-A. An officer whose transfer to any of the districts mentioned in Notes 2, 4 and 5 under Article 123,

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obtains leave of any kind except Privilege or Examination leave under Article 101, will be considered to have joined his appointment on the date he reaches the stations mentioned in the Notes 2, 4 and 5 of the same Article and will be entitled to pay and allowances, from that date instead of from the date of taking over charge at the Headquarters.

APPOINTMENT CHANGED.

103. The Joining Time of an officer whose appointment is changed while he is in transit from one appointment to another, begins on the day following that on which he receives his orders.

ALLOWANCES.

104. An officer draws, during Joining Time, the pay or salary which he drew in his old appointment or that which he will draw on joining his new appointment, whichever is less : Provided that an officer transferred from one officiating appointment to another shall not draw any acting allowance during Joining Time if he had not a superior lien on either of the officiating appointments to that of the officer relieved by or relieving him.

104-A. An officer, without a substantive appointment is not entitled to any joining time pay or travelling allowance for transfer from one officiating appointment to another. But if an officer holding an officiating appointment is required to be transferred from one station to another on administrative or public grounds (to be recorded by the transferring officer in the order of transfer) before the termination of the officiating vacancy at the old station, he may be authorised by the transferring officer to draw the pay and travelling allowance to which he would be entitled under Article 104-A for the transit period.

105. When, under Article 101, an officer combines Privilege or Examination leave and Joining Time, his allowance during Joining Time—that is to say, for the period, not exceeding the Joining Time admissible by rule in excess of his Privilege or Examination leave during which he is absent from duty, must be calculated at the

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rate at which his **Joining Time** allowance would have been calculated if he had joined the office to which he is transferred directly.

EXCEEDING JOINING TIME.

106. An officer, who does not join his new appointment within his **Joining Time**, is entitled to no *allowances* after the end of his **Joining Time**, and after a week, ceases to have a **li n** on any appointment. But if the Government considers, that his default was due to circumstances beyond his control, it may exempt him from the loss of his appointment.

Note 1.—The expression “allowances” in this article does not include travelling allowances.

Note 2.—Whenever a Government servant is detained on the road owing to its being blocked by land slip, snow, etc. he should be treated as on duty during the period of unavoidable detention.

CHAPTER X.

Officers Dismissed, Suspended or Imprisoned.

OFFICERS DISMISSED OR SUSPENDED.

107. Save as provided in Article 108 (b) an officer under suspension is entitled to no *salary* while he is absent from duty, and the *salary* of an officer who is dismissed ceases absolutely from the date of his dismissal; no allowances may be granted for any period occupied in the prosecution of appeals against the orders of dismissal.

108. The allowances of an officer suspended from duty are for the period of suspension and after regulated, as under :—

- (a) **Subsistence allowance**, at a rate not exceeding one quarter of his *salary*, may be granted by the authority suspending him, to an officer removed from office pending enquiry into his alleged misconduct.

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Note.—This subsistence allowance is authorized as a matter of grace only, and cannot be claimed as of right. The authority suspending an officer in temporary employ, if he considers that some allowance should be granted, may sanction allowances not exceeding those authorized in this Article. In deciding whether such allowances should be granted, the period of temporary employment should be taken into consideration.

(b) If the suspension of an officer as a penalty for misconduct is, upon reconsideration or appeal, held to have been unjustifiable or not wholly justifiable, or if an officer dismissed from office or suspended pending enquiry into his alleged misconduct is, after enquiry or upon reconsideration or appeal, re-instated, then the revising or appellate authority may grant to the officer for the period of his absence from duty:—

(i) if the officer is honourably acquitted, an allowance equal to the full salary to which he would have been entitled if he had continued to hold the appointment from which he was suspended or dismissed ;

(ii) otherwise, an allowance equal to such proportion of the full salary as aforesaid as to the revising or appellate authority may seem expedient.

Note 1.—Special care should be taken not to fill up the appointment of a person under suspension permanently until his case has been enquired into and decided.

Note 2.—In case extra expenditure involved both on account of acting arrangements in consequence of suspension or dismissal of a Government servant or grant of pay under (b) alone cannot be arranged by reappropriation, concurrence of the Finance Department will be necessary.

COMMITALS TO PRISONS.

109. A servant of the State committed to prison either for debt or on a criminal charge, should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances should be made according

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to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame or if the imprisonment was for debt, of its being proved that the officer's liability arose from circumstances beyond his control.

LEAVE WHILE UNDER SUSPENSION.

110. Leave of absence for a definite period is not admissible to the officer who has been suspended from duty.

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PART III—LEAVE RULES.

CHAPTER XI—General Conditions of Leave.

SECTION I.—GENERAL RULES.

EXTENT OF APPLICATION.

111—A. Unless in any case it be otherwise distinctly provided, the rules in this Chapter apply to Government Servants in Civil employ as defined in Art. 1-A of these Regulations, except :—

(i) Officers lent by the Government of India to whom Fundamental Rules are applicable unless otherwise stated in their order of appointment ;

(ii) Officers serving under special contracts whose cases are governed by the terms of their agreement.

Note.—Military Officers holding Civil appointments will be considered Civil Officers for the purpose of these rules.

111—B. Unless in any case it be otherwise expressly provided by or under these rules leave is earned by a Government Servant under this Chapter if he holds a lien on a permanent post in Civil employ or would hold a lien on such a post had his lien not been suspended.

111—C. Leave is earned by duty only. For the purpose of this rule a period spent in foreign Service counts as duty if contribution towards leave salary is paid on account of such period.

111—D. Unless in any case it be otherwise expressly provided by or under these rules, an officer transferred to a service or post to which these rules apply from a service or post to which these do not apply is not entitled to leave under these rules in respect of duty performed before such transfer. All leave at his credit on the date on which he comes under these rules shall lapse.

GENERAL CONDITIONS OF LEAVE.

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DISCRETION OF GOVERNMENT.

112. (a) Leave of absence can never be claimed absolutely as of right.

(b) A competent authority may *refuse* to grant the full amount of leave applied for in any case, and *exercise* this power so to regulate the date of an officer's return from leave, as to cause as little change as possible, in administrative arrangements.

(c) All officers on leave including leave preparatory to retirement intending to serve in India, or elsewhere, should in the *first instance* apply for and obtain sanction of a competent authority. Officers infringing this rule will sacrifice all their title to leave. Proper addresses of the officers should be furnished for purposes of reference.

MAXIMUM LEAVE ADMISSIBLE.

113. After five years continuous absence on leave, an officer is considered to be out of State employ.

RECALL FROM LEAVE.

114. An officer *recalled* to duty before the expiry of leave of any kind is entitled to take the balance of his leave, together with any leave subsequently earned, as soon as he can be spared from duty.

114-A. An officer who is recalled to duty before the expiry of the leave of any kind, if the return to duty is optional, is entitled to no concession. If the return to duty is compulsory, he is entitled:—

(i) to the concessions in Art. 357 subject to the conditions and limitations specified therein; and

(ii) to be treated as on duty from the date on which he starts for the Station to which he is ordered but he is entitled, until he rejoins his appointment, to draw leave allowances only.

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GENERAL CONDITIONS OF LEAVE.

SECTION II—SERVICE QUALIFYING FOR LEAVE.

TEMPORARY SERVICE.

115. Officiating and temporary service *counts* for leave provided it is followed without a *break* by substantive *qualifying* service.

NON-QUALIFYING SERVICE.

115-A. The leave earned by an official in qualifying service will, despite his reversion to non-qualifying service for sometime, remain in tact on his return to qualifying service without interruption.

Shajrakashes.

115-B. Service as Shajrakashes does not qualify.

Press servants.

116. A section-writer or a Press servant, paid under the piece work system if granted leave, is not entitled to any allowance.

Probationers.

117. An officer appointed as Probationer for a certain period before formal appointment, is entitled to the same leave as if he held a substantive appointment.

Officers under Training.

117-A. For a subordinate officer who is selected for a training in a school, college or other institution, the time spent under training shall count as service qualifying for leave provided he passes the examination within the prescribed period, and such time shall not be regarded as an interruption entailing forfeiture of the leave already earned.

117-B. (a) Stipendiaries with substantive appointments may be given leave admissible under the rules while under training.

(b) Non-Official stipendiaries may be granted no

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leave other than casual leave up to the limit of 15 days in a year while under training, the cases of leave exceeding 15 days in a year being considered by the Board (Cabinet) on their merits.

(c) The leave cases of Scholars under Foreign Training may be left to be decided by the High Commissioner for India according to the procedure followed there.

Service before Discharge, Resignation or Dismissal.

118. Save as provided for in Article 119, an officer who is discharged from or resigns the Government service and is re-employed after an interval cannot, without the sanction of the authority sanctioning the re-employment, count his service before his discharge or resignation towards leave after re-employment.

119. The authority who, on revision or appeal, reverses an order dismissing an officer, may declare that, as regards qualifying service, the dismissal reversed shall be held to have been suspension followed by re-instatement.

SECTION III—RETENTION OF APPOINTMENT.

LIEN ON APPOINTMENT.

120. An officer on privilege leave has a *lien* on his substantive appointment; he has also a *lien* on his officiating appointment so long as it is not resumed by an officer having a *superior lien* on it.

121. Subject to his good conduct and efficiency, an officer on "long leave" has a *lien* on his substantive appointment, or on a substantive appointment of a like character and not less pay. He has no *lien* on an acting appointment.

122. Exception the ground of his *misbehaviour* or

CHAP. XI] GENERAL CONDITIONS OF LEAVE.

inefficiency, the *Government* or Head of the Department may not fill up substantively, even for a time only, an appointment on which an officer on leave has a *lien* without transferring him to another substantive appointment of not *less pay*.

SECTION IV—COMMENCEMENT AND END OF LEAVE.

123. Ordinarily leave begins on the day on which transfer of charge is effected, or, if charge is transferred in the afternoon, on the following day. Similarly such leave ordinarily ends on the day preceding that on which charge is resumed or, if charge is resumed in the afternoon, on that day. But if a Sunday or one or more gazetted holidays fall on a day immediately preceding that on which the leave begins or on the day on which the leave or the joining time between two appointments ends, an officer may with the specific sanction of the authority competent to sanction the leave, leave his station at the close of the day before, or return to it at the end of such holidays, provided his departure or return does not involve :—

- (i) the immediate transfer of an officer from or to another station or the loss of his appointment by an officer appointed temporarily to the service, or
- (ii) the taking over of money unless subject to the condition, that the departing officer remains responsible for the money in his charge and the authority competent to sanction the leave specially allows transfer of charge to take place before or after the holidays.

Note 1.—For the purpose of this Article, the office is regarded as closed for business only on Sundays and Gazetted Holidays.

Note 2.—The leave of officers employed in (1) Frontier Districts (2) Kishtwar and Bhadarwah Tehsils, (3) Ramban Tehsil and (4) Muzaffarabad District, begins and ends on the day they arrive at or leave (1) Srinagar, (2) Batote or any other station where the hilly road meets the Banihal Cart Road or such other station where the hilly route meets any other Vehicular road, (3) Ramban or any point where the route from the locality concerned in the Ramban Tehsil meets the Banihal Cart Road or any Vehicular road, (4) Muzaffarabad or the place where the hilly route in the locality meets the Vehicular road in the valley respectively, if they proceed on

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leave through and beyond these places. The period allowed should not exceed the joining time between the stations exclusive of 6 days for preparation.

Note 3.—The leave of the Government employees belonging to the Frontier Districts and posted in the Jammu and Kashmir Provinces will begin and end on the day they arrive at, or leave, Bunji, Leh, Kargil or Skardu to whichever place they belong, if they proceed on leave through and beyond these towns. The period allowed should not, however, exceed the joining time admissible between the station exclusive of six days for preparation.

Note 4.—Government employees in Kishtwar and Padar *Illaqas* when proceeding on leave to Kangra District and who do not like to go by Banihal route should count their leave from the date on which they leave *Basohli*.

Note 5.—Leave of officers employed on Gulabgarh Sub-Division begins and ends on the date they leave or arrive at *Reasi*.

124. If holidays are as above prefixed to leave, the leave and consequent re-arrangement of allowances, if any, take effect from the first day after the holidays on which the office is opened for business and if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on and the re-arrangement of allowance, if any, takes effect from the day on which the officer would have resumed charge, had holidays not followed the leave or joining time.

In cases in which the application of the above rules as to prefixing and affixing holidays to leave is doubtful or inequitable, the Minister-in-Charge will decide which officer shall be held to have been incharge and to which the salary of the office for the Sunday or holidays shall be paid.

Note.—There is nothing in Articles 123 and 124 above or in any other rule or order to prevent an officer from taking over or making over charge of an office during Gazetted holidays when it is necessary to do so.

SECTION V—RETURN TO DUTY.

PERMISSION TO RETURN.

125. An officer may not, without the permission of the authority, which granted him leave, return to duty more

than 14 days before the end of *Long Leave*. In cases of "short leave" an officer may return to duty with the permission of his immediate superior or head of his office; sanction of the authority which granted him leave is not necessary for the cancellation of unexpired portion of leave.

126 An officer on leave on Medical certificate, or on account of ill-health, though technically not on Medical certificate, may be required, by the authority who granted the leave, to produce, before he is permitted to return to duty, a Medical certificate of fitness signed by the Medical Officer.

REPORT OF RETURN.

127. A *Gazetted Officer* should, immediately on return from leave, report the fact through the proper channel to the authority, who granted the leave, for his information as well as to the Accountant-General in Treasury Form No. 35, 36 or 122 as the case may be.

OVERSTAYING LEAVE.

128. Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203 (b), or when due to ill-health, in which case the absentee must produce the certificate of a Medical Officer.

Exception 1.—Grace not exceeding 7 days may be allowed in cases when the Head of a Department is satisfied that the default of an officer is due to circumstances beyond his control. But no allowance can be granted for the period by which the leave is overstayed unless an extension of leave is admissible under these rules.

Exception 2.—Note 2 to Article 106 applies here also.

SECTION VI—COMBINATION, EXTENSION AND COMMUTATION OF LEAVE.

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129. No kind of leave, except Extraordinary leave without allowances under Article 163 and leave under

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Articles 114 and 130, can be granted in continuation of any other kind of leave, but any leave granted under these Regulations may be retrospectively changed for any other kind or period of leave for which the officer was qualified when the leave was originally granted; and the competent authority may commute retrospectively periods of absence without leave into leave without allowances (see Articles 163 and 204 also).

COMBINED LEAVE.

130. Privilege leave to the amount due may be prefixed as such to Furlough, Leave on Medical Certificate, Leave on Private Affairs and Extraordinary leave without allowances, subject to the following conditions:—

- (1) When privilege leave is combined with furlough, the amount of the combined leave shall not exceed one year;
- (2) When privilege leave is combined with leave on Private Affairs, the combined leave shall not exceed 6 months;
- (3) When, however, Furlough or Leave on Private Affairs, granted in combination with Privilege leave is extended on Medical Certificate, the full period of Furlough or leave on Private Affairs, ordinarily admissible under rule may be allowed irrespective of the limits prescribed in clause (1) and (2) above;
- (4) The periods mentioned in clauses (1) and (2) above count from the beginning of the Privilege leave to the end (under the Ordinary Rules) of the leave with which it is combined.

Note.—If the maximum limit prescribed in clause (1) or (2) of this Article is exceeded, the excess (if not due to an extension of leave on Medical Certificate) shall be dealt with under Article 128.

EXTENSION OF LEAVE.

131. If an *officer* absent on Leave on Private Affairs or on Furlough, takes an extension of Leave on Medical Certificate under Article 160, the whole of the absence will be treated as Leave on Medical Certificate.

It should be remembered that in order to obtain an extension of leave of *any kind* it is not sufficient merely to submit an application, but it is further necessary that the application be sanctioned before the original period of leave has expired. It does not necessarily follow that an extension will be granted even though more leave be *due* to the applicant under these rules, as it may be withheld for *special reasons* and when applications for extensions are received so late, that no time is left for making necessary arrangements for a substitute the application is liable to be refused and the penalty of Article 128 enforced.

COMMUTATION OF LEAVE.

132. Extraordinary Leave without allowances cannot be converted retrospectively into Leave on Medical Certificate; but Leave on Medical Certificate may be given in continuation of Extraordinary Leave without allowances.

CHAPTER XII—Short Leave.

SECTION 1—CASUAL LEAVE.

133. (a) Casual leave may be granted to all Government servants who are on the permanent establishment or not, by the immediate head of the office concerned for short period not, exceeding 15 days in a year in aggregate. A Government servant on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding:—

- (1) Date of reckoning pay and allowances;

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- (2) Charge of office ;
- (3) Commencement and end of leave ;
- (4) Return to duty ;

(b) The amount of casual leave sanctioned at any one time should not exceed 10 days and in combination with holidays the total period of absence should not exceed 12 days.

(c) Casual leave should not ordinarily be combined with Move days but in exceptional cases and on the sanctioning authority being satisfied that the officer is unable owing to illness to proceed to the office headquarters or to attend to work, casual leave may be sanctioned in combination with the Move days. The limits mentioned in clause (b) above will apply in this case also.

(d) Casual leave should not ordinarily be combined with vacation, but when an officer enjoying regular vacation is forced by unavoidable circumstances to proceed on casual leave in combination with or in continuation of vacation, the Director of Education may sanction such leave in combination with or in continuation of such vacation.

(e) Science scholars working in Universities or other institutions of the State when required to participate in meetings organized by Scientific Associations of repute in India be allowed special casual leave not exceeding 10 days in a year in addition to the normal period of casual leave admissible under rules.

QUARANTINE LEAVE.

133-A. "Quarantine leave" is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious disease in the family or household of a Government servant. Such leave may be granted by the officer competent to grant other kinds of leave on the certificate of a Medical Officer for a period not exceeding 21

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days. Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may be granted when necessary in continuation of other leave or vacation subject to the above maximum. No substitute should be appointed in place of a Government servant absent on Quarantine leave. A Government servant on Quarantine leave is not treated as absent from duty and his pay is not intermitted.

SECTION II—PRIVILEGE LEAVE—ORDINARY RULES.

TEMPORARY SERVICE.

134. The Privilege leave admissible to a Government servant who has only a temporary or officiating appointment on the regular establishment is 1/11th of the period spent on duty provided that when the privilege leave due amounts to 30 days he ceases to earn such leave.

Note 1.—This rule does not apply to the employees of the Public Works Department referred to in Note under Article 66.

Note 2.—If such an officer is appointed to a permanent office without interruption of his service, his temporary or officiating service may be treated as duty qualifying for Privilege Leave.

Note 3.—The employees in the Electrical Department who have retained their work-charge pay on coming to Regular establishment may be allowed privilege leave under these Regulations as a special case; provided the Government does not incur any extra cost during such leave and the leave allowance granted to them is limited to the minimum of the corresponding permanent scale plus one half of the difference between the pay actually drawn and such minimum.

Note 4.—Permanent employees of the Food Control Department be allowed leave under these Regulations like permanent employees of other permanent Departments of the Government.

134-A. In the case of regular temporary establishment paid from contingencies or engaged on daily or monthly wages system, privilege leave may be granted only when no extra charge is imposed on the State. The privilege leave admissible will be 1/11th of the period spent on duty provided that when it amounts to 30 days it will cease to be earned.

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The benefit of this Article can be allowed to the employees engaged on work-charged establishment also.

AMOUNT EARNED.

135. The amount of Privilege leave earned by an officer is one-eleventh part of the time during which he was on duty without interruption; provided that no Privilege leave can be earned by an officer by duty performed, while four months such leave is due to him, and that whenever duty is interrupted, all claims to Privilege leave, previously earned is forfeited. Absence on Privilege leave though not counting as duty, is not an interruption of duty within the meaning of this Article.

CALCULATION.

136. The calculation must be made as follows:—

One calendar month for every 11 complete calendar months of duty, and one day for every 11 days of the balance.

QUALIFYING SERVICE.

137. When an officer is first appointed to the Government service, duty qualifying for Privilege leave does not begin until he takes charge of the office to which he is appointed (See Article 38).

138. The leave is earned by uninterrupted duty.

LIMIT.

139. The amount of Privilege leave admissible at one time is limited to four calendar months.

AMOUNT DUE.

140. The Privilege leave due to an officer is the Privilege leave, which he has earned since the last interruption of duty, less the period during which he has been absent on privilege leave (See Articles 135 & 141 to 143).

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INTERRUPTION OF DUTY CAUSED BY ABSENCE OR
SUSPENSION.

141. If an officer remains absent after the end of Privilege or Examination leave or Journey Time, his duty is interrupted within the meaning of Articles 135 to 144, nor does the period of overstay count as duty in the latter case. But if the Minister-in-Charge of a Department and, in the case of non-gazetted officers, the immediate Head of the Department or Office, considers that his default was due to circumstances beyond his control, he may remit the penalty.

142. Suspension from office as a penalty for misconduct is an interruption of duty within the meaning of Articles 135 to 144.

143. The suspension of an officer from office, pending enquiry into his conduct, interrupts his duty or not as may be decided in each case by the authority having powers to pass final orders in the case. Time passed under such suspension does not qualify for Privilege leave, unless in any case such authority expressly orders that it should so qualify. Such orders should be communicated to the Accountant-General, but in the case of a non-gazetted officer, it will suffice to note the orders in the service book of the person concerned.

CONDITION OF GRANT.

144. Subject to the exigencies of the public service, an officer may be granted the whole or any part of the Privilege leave due to him.

LEAVE ALLOWANCES.

145. Except as provided in Articles 147 to 149 and 150, an officer on privilege leave is entitled to a leave allowance equal to the salary which he would receive, if he were on duty in the appointment on which he has a *lien*, and he is entitled to this allowance even though another officer be appointed to act for him.

146. Deleted.

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147. If an officer on transfer from one appointment to another obtains Privilege leave without joining his new office, his leave allowance shall not be less than it would have been if he had joined his new office before taking leave ; provided that the rate of pay attached to the new appointment is not different from and higher than the rate of pay attached to the old appointment. When, however, the transfer involves an increase in the officer's duties or responsibilities, and is to an office on a different and higher rate of pay from that drawn by the officer in the old office, the officer shall not draw the higher rate of salary until he actually joins his new office.

148. If Privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time and for a special purpose, he is not entitled, during Privilege leave, to any *special allowance* attached to the appointment.

LOCAL AND OTHER ALLOWANCES HOW AFFECTED.

149. A local allowance attached to an appointment may be drawn by an officer who takes Privilege leave from the post to which the allowance is attached or if he is transferred therefrom for not more than 4 months to another post, as well as by the Government servant performing temporarily the duties of the post to which the allowance is attached ; provided that—

(i) the authority sanctioning the leave or transfer certifies that the Government servant is likely to return on the expiry of his leave or temporary duty to the post to which the allowance is attached or another post carrying a similar allowance ; and

(ii) the Government servant certifies that he will continue to incur the whole or a considerable part of the expenses to meet which the allowance was granted.

A house-rent allowance may be drawn by an officer on leave or transfer in the circumstances specified above ; provided that he certifies that his previous

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rate of expenditure for a house continues during his absence and that he places his house free of rent at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot in such cases draw the house-rent allowance attached to the post. If, however, the officiating Government servant for a reason which the authority sanctioning the leave considers to be sufficient, refuses the accommodation placed at his disposal, he and not the absentee will draw the allowance.

SECTION III—PRIVILEGE LEAVE IN CASE OF REGULAR VACATIONS.

150. Privilege leave to officers enjoying regular vacations, such as in the Educational Department, shall not be admissible *except* in case of *urgent necessity*, when it can be granted on half pay only. It cannot, however, be *combined* with vacations under *any circumstances*.

Note.—This Article will not apply in the case of Maternity leave (See Article 157-C).

151. The preceding Article does not apply to the case of an officer who is, by *general* or *special orders* of the competent authority, prevented from availing himself of the vacation or vacations, by reason of his having to remain at his post on duty. In such a case, Privilege leave may be granted under the *ordinary rules*; provided always that the leave shall not in any cases be *combined* with vacation.

152. Article 150 does not also apply to the case of an officer whose work requires him to remain at his station for a *portion* of the vacation. Such an officer is eligible for Privilege leave *under ordinary rules*, provided he has not been absent from his station for more than 15 days of the vacation. If he has been absent for more than 15 days, his title to Privilege leave will be regulated by Articles 150 and 153.

Note.—Absence on duty, whether within or out of jurisdiction, is not absence from station for the purposes of this Article.

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153. An officer who is, by competent authority, debarred from enjoying a part only of a periodical vacation, may, during Privilege leave subsequently taken, draw his full salary for a period bearing the same proportion, if the vacation be annual, to a month, or if it be half-yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

153-A. An officer transferred from a non-Vacation to a Vacation Department can take the privilege leave which was at his credit at the time of such transfer; provided that the allowances during such privilege leave shall not exceed the allowances which would have been admissible if he had taken the leave immediately before being transferred.

Note.—When an officer who has accumulated privilege leave in a non-Vacation Department is transferred to Vacation Department, he loses his right to claim privilege leave and becomes subject to the rule that privilege leave can only be granted in cases of urgent necessity.

153-B. (a) An officer transferred from a Vacation to a non-Vacation Department counts his service for privilege leave under the ordinary rules from the date from which the last vacation in the former department ended.

(b) If, however, he had at his credit at the time of his transfer any privilege leave on full salary admissible to him under Articles 151 to 153-A, the amount of such privilege leave shall be added to the privilege leave calculated under Clause (a) above.

153-C. The reckoning under Article 153-A and 153-B shall not in any case extend backwards over an interruption of duty.

Note 1.—An officer who is transferred from a Vacation Department to a non-Vacation Department after enjoying the vacation, carries with him title to privilege leave on full pay calculated only on that part of his service in the Vacation Department passed after the last vacation enjoyed in that department but if he is transferred before enjoying the vacation he counts for his privilege leave on full pay his service from the date on which the last vacation ended.

Note 2.—Privilege leave on full pay earned by an officer in the

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Vacation Department may be added to privilege leave earned in the non-Vacation Department.

154 Officers to whom Privilege leave under the ordinary rules and conditions is not admissible (*Article 150*), may combine vacation with long leave (either at the beginning or end thereof), on the same conditions as those on which other officers are allowed to combine Privilege leave under *Article 130*.

Note.—*Note 2* to *Article 106* applies here also.

SECTION IV—DELETED.

155. Deleted.

156 Deleted.

157. Deleted.

SECTION V—MATERNITY LEAVE.

157-A. A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of two months from the date of its commencement or to the end of one month from the date of confinement whichever be earlier.

Note 1.—Such leave will not be debited against the leave earned otherwise.

Note 2.—Temporary regular female servants paid from contingencies or engaged on daily or monthly wages system may be granted maternity leave for three weeks during the period of confinement. No extra expenditure will, however, be admissible during such leave.

157-B. Leave of any kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

157-C. Maternity leave may be combined with vacation or holidays if circumstances make such a course unavoidable.

CHAPTER XIII—Long Leave**SECTION 1—EXTENT OF APPLICATION.**

158. The rules in this Chapter apply *fully* to all officers in the case of leave on Medical certificate but in the case of other kinds of leave only to those officers whose pay is not less than Rs. 100 a month, and who have substantive appointments on permanent establishments under the Government.

Note.—Note under Article 66 applies here also.

159. Leave other than leave on Medical certificate may, however, be granted under this Chapter to an officer whose pay is less than Rs. 100, so far as it can be done without imposing additional expense upon the Government. The absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duty during his absence.

Note 1.—An Officer holding an appointment on a Progressive pay, rising to a maximum of hundred rupees, who is in the receipt of the maximum pay, is not to be treated as an officer whose pay is less than one hundred rupees, *vide* Article 29.

Note 2.—If it becomes necessary to bring an officer from a distance to act for an officer on leave whose pay is less than hundred rupees, the travelling allowances and transit pay admissible to the substitute may be borne by the Government, but such a transfer should *never* be made if it can be avoided.

SECTION II LONG LEAVE.**LEAVE ON MEDICAL CERTIFICATE.**

160. Leave on Medical certificate may be granted for three years in all but not for more than 2 years at one time, and no officer can have leave on Medical certificate out of India more than twice.

Note 1.—Save as provided in Note under Article 158, an officer who has a temporary or officiating appointment only may be allowed leave under this Article upto 1/11th of the period spent on duty restricted to 3 months, if no substitute is required, or if his duties can be provided for without additional expenses.

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Note 2.—A temporary Government servant superior or inferior, who contracts tuberculosis and undergoes treatment in a recognized sanatorium may be allowed in addition to the above amount of leave, extraordinary leave without allowances upto maximum period of twelve months on any occasion subject to the following conditions :—

(i) the appointment or post from which the Government servant proceeds on leave is likely to last till his return to duty ;

(ii) the extraordinary leave shall be granted subject to the production of a certificate from the Medical Officer-in-charge of the sanatorium specifying the period for which leave is recommended ; and

(iii) the medical officer in recommending leave shall bear in mind the provisions of Art : 272—A *ibid.*—

LEAVE ON PRIVATE AFFAIRS.

161. Leave on Private Affairs for six months may be granted to an officer, who has not had Furlough, after six years' service and repeated after intervals of 6 years.

Note 1.—Leave on Private affairs does not accumulate and cannot be taken in instalments.

Note 2.—No leave except Privilege leave counts as service for leave on Private Affairs.

FURLOUGH.

162. Furlough may be granted as follows:—

(a) After 10 years' service—One year or any less period ; and thereafter, at intervals of not less than 8 years, one year or such other period as together with all periods already spent on Furlough may not exceed 2 years ; or

(b) After 18 years' service—Two years or any less period ; and thereafter, at intervals of not less than 8 years, any such period as together with all periods already spent on Furlough may not exceed 2 years ;

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Provided that :—

- (i) the service for Furlough of an officer, who has had leave on Private Affairs, counts only from the date of his last return from such leave ;
- (ii) the *aggregate* amount of Furlough, or of Furlough and leave on Private Affairs taken together, shall not exceed 2 years ;
- (iii) an interval of not less than 18 months has elapsed between last *return* from Privilege leave of over 6 weeks' duration, whether taken by itself or combined with leave on Medical Certificate and the Furlough or *Privilege leave*, if any, with which the Furlough is combined.

Note.—Leave on Medical Certificate in excess of one year shall not count for Furlough.

STUDY LEAVE.

162-A. Leave may be granted to Government servants under the rules as detailed in Schedule IV to enable them to study Scientific, Technical problems or any other problem of a similar nature or to undergo Special Courses of Instructions in any subject. Such leave will not affect any leave otherwise earned.

DISABILITY LEAVE.

162 B. (i) A competent authority may grant special Disability Leave to a Government servant who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official position.

(i) Such leave shall not be granted unless the disability manifested itself within 3 months of the occurrence to which it is attributed and the person disabled brought it to notice with due promptitude.

(iii) The period of leave granted shall be such

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as is certified by a Medical Board to be necessary. Extension can be allowed on certificate of a Medical Officer and the total period of leave shall in no case exceed six months.

Explanation :—"Medical Board" should consist of three members including the President who should be the Director of Public Health or in his absence the Superintendent of a State Civil Hospital. The two members will be nominated by the Director of Public Health.

(iv) Such leave can be combined with leave of any other kind.

(v) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a latter date but not more than six months leave can be granted in consequence of any one disability.

(vi) Such leave shall be counted as duty in calculating service for pension only.

(vii) Leave salary during such leave shall be equal to full emoluments, house allowance and other allowances to which an officer would be entitled as if he were on privilege leave for this period.

(viii) Special disability leave thus granted to a Government servant shall not affect the amount of leave at the credit of a Government servant.

LEAVE WITHOUT ALLOWANCES.

163. Extraordinary leave without allowance may, in case of necessity and when no other leave is by rule admissible, be granted for such time as may be necessary. Time spent on leave under this Article does not count as service for other leave. Subject to the provisions of Article 113, there is no limit to the length or frequency of leave under this Article. It may not be granted in combination with the grant of other leave, except as provided in Article 130. But it may be granted in continuation of other

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leave if circumstances arise which *prevent the return* of the officer to duty, and which, in the opinion of the *Government*, or the authority empowered to grant leave, are such as to justify the concession. No officer is entitled to *Extraordinary leave*.

Note.—Save as provided in Note to Article 158, an officer who has a temporary or officiating appointment only may at the discretion of the officer competent to grant leave to men of corresponding rank with permanent appointments be allowed leave under this Article, for not more than 3 months.

LEAVE ALLOWANCES.

164. (a) An officer on leave on Medical Certificate under Article 160 is entitled to half his *average salary* for the first year of each period of such leave, but not for more than two years in all. For the rest of his leave under Article 160, he is entitled to a quarter of his *average salary*.

(b) An officer on Furlough or on leave on Private Affairs is entitled to half of his *average salary*.

(c) But whenever an officer whose appointment is not gazetted takes leave for not more than one month, or whenever such an officer's salary is less than Rs. 300, his pay (not salary) when he gives up office is taken in lieu of *average salary*.

165. (a) Half *average salary* is always subject to a maximum of Rs. 750 a month.

(b) One-quarter *average salary* is always subject to a maximum of Rs. 375 a month.

LEAVE AFTER 55 YEARS OF AGE.

166. An officer in superior service is eligible, after he attains the age of 55 years, for Privilege leave, for any leave on Private Affairs (Article 161) to which he may be otherwise entitled, and also for Leave without allowances, under Article 163, provided that the total leave granted, whether on Private Affairs or without allowances, does not exceed six months in all, and for no other kind of leave. Any leave other than Privilege leave

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or leave on *Private Affairs*, granted to such an officer before the date on which he attains the age of fifty-five years, ceases to have effect on this date.

166-A. Leave due to an officer shall lapse on the date on which he must compulsorily retire; provided that if in sufficient time before that date he has (1) formally applied for leave and been refused it, (2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted, in either case the ground of refusal being the requirements of the public service, then the officer may be granted, after the date of retirement the amount of leave so refused subject to a maximum of 4 months, the condition of admissibility of the leave being applied otherwise as in ordinary cases. The power to sanction leave after retirement vests in Government.

PART IV—PENSION RULES.

CHAPTER XIV—General Rules.

SECTION I—EXTENT OF APPLICATION.

167. These rules apply to all Government officials serving in the Civil, Public Works, or other Government Departments, *except*—

- (1) Officers whose services have been lent to the State by the Union Government or State Governments as their claims are governed by the rules in the respective Governments.
- (2) Officers serving the Government under special contracts, as their claims will be settled in accordance with the terms (*if any*) contained in their contracts.
- (3) Revenue Patwaries who retired prior to 15th Baisakh, 1987, will get rewards under special rules given in Schedule V; for Revenue Patwaries and Girdawars who retire with effect from 15th Baisakh, 1987 or after, rules as given in this Part will apply.
- (4) The service of Irrigation Patwaries retired on or after 19th September, 1935/3rd Assuj, 1992 is permanent and pensionable from the date of discontinuance of bonus *viz.* 1st Katik, 1989 subject to the proviso that only that portion of the service will count towards pension in respect of which no bonus has been allowed.
- (5) The officials of the late Ruling family who retired from the Private Department prior to 20th June, 1949 will be subject to pension rules under these Regulations while those who retired after that date will be entitled to pension from the State for service in the

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Private Department up to 20th June, 1949 and for subsequent service their pension liability will be borne by the Privy Purse of His Highness, according to the rule of proportion. (See Article 34.)

168. Future good conduct is an implied condition of every grant of a pension. The Government reserves to itself the right of withholding or withdrawing a pension, if a pensioner be convicted of serious crime or be guilty of grave misconduct.

168-A. The Government reserves to itself the right to order the recovery from the pension of an officer of any amount on account of losses found in Judicial or Departmental proceedings to have been caused to Government by the negligence or fraud of such officer during his service, provided that—

- (a) such Departmental proceedings if not instituted while the officer was on duty—
 - (i) shall not be instituted save with the sanction of Government ;
 - (ii) shall be instituted before the officer's retirement from service or within a year from the date on which he was last on duty, whichever is later ;
 - (iii) shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty ; and
 - (iv) shall be conducted by such authority and in such places as the Government may direct.
- (b) All such Departmental proceedings shall be conducted if the officer concerned so requests in accordance with the procedure applicable to Departmental proceedings on which an order of dismissal from service may be made ; and

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- (c) Such Judicial proceedings if not instituted while the officer was on duty, shall have been instituted in accordance with sub-clauses (ii) and (iii) of clause (a) above.

SECTION II - CASES IN WHICH CLAIMS ARE INADMISSIBLE.

SPECIFICATION OF CASES.

169. In the following cases, no claim to pension is admissible :—

- (a) When an officer is appointed for a limited time only or for a specified duty, on the completion of which he is to be discharged.
- (b) When a person is employed temporarily on monthly wages without specified limit of time or duty ; but a month's notice of discharge should be given to such a person and his wages must be paid for any period by which such notice falls short of a month.
- (c) When a person's whole time is not retained for the Government service, but he is merely paid for work done for the Government, such as Public Prosecutor, etc.
- (d) When a public servant holds some other pensionable office, he earns no *pension* in respect of an office of the kind mentioned in Class (c) or in respect of duties paid for by a *Local Allowance*.

MISCONDUCT OR INEFFICIENCY.

170. Pension may not be granted to an officer whom it is desired to remove for misconduct, insolvency or inefficiency, but to officers so removed, compassionate allowance may be granted by Government in special cases, provided that the allowance granted to any officers shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on Medical Certificate.

(See also Note under Article 233.)

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CLAIMS OF WIDOWS.

171. (a) It being the duty of every Government officer himself to provide for his family, the Government recognizes no claim by a widow on account of the services of her husband and is almost invariably under the painful necessity of rejecting recommendations made in contravention of this rule.

(b) The submission of such recommendations save under very extraordinary circumstances is disapproved as calculated only to give rise to hopes which cannot be fulfilled. Cases for the relief of families of Government servants left in indigent circumstances through the premature death of Government servants will be considered on their own merits under the rules contained in Schedule VI.

Note.—The above rules apply also to the deserving cases of widows or other dependants of work-charge employees of the Public Works and Electrical Departments who may have died in execution of Government duty by causes beyond their control.

LIMITATIONS.

172. An officer cannot earn two *pensions* in the same office at the same time or by the same *continuous service*.

173. Two officers may not simultaneously *count* service in respect of the same office.

CHAPTER XV --Conditions of Qualifying Service.

SECTION I—DEFINITION OF QUALIFYING SERVICE.

BEGINNING OF SERVICE.

174. (a) Except for Compensation gratuity, an officer's service does not, in the case of Superior service, *qualify* till he has completed 20 years of age.

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(b) In other cases the service of every officer begins when he takes charge of the office to which he is first appointed.

(c) In the case of Inferior service, service counts after the age of 16 years.

CONDITIONS OF QUALIFICATION.

175. The service of an officer does not *qualify for pension*, unless it fulfils the following three conditions :—

First —The service must be under the State.

Second—The employment must be substantive and permanent.

Third —The service must be paid by the Government.

These three conditions are fully explained in the following Sections.

SECTION II—FIRST CONDITION.

SERVICE UNDER GOVERNMENT.

176. The service of an officer does not qualify unless he is appointed and his duties and pay are regulated by the Government or under conditions determined by the Government.

SECTION III—SECOND CONDITION

GENERAL PRINCIPLES.

177. Service does not *qualify* unless the officer holds substantive office on a Permanent Establishment.

178. An officer transferred from a temporary to a permanent appointment can *count* his service in the temporary office if, though at first created experimentally or temporarily, it eventually becomes permanent.

179. An officer *without a substantive* appointment

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officiating in *an office which is vacant*, or the permanent incumbent of which does not draw any part of the pay or count service *may*, if he is confirmed without interruption in his service, *count* his officiating service.

APPRENTICES.

180. Service as an apprentice does not qualify.

PROBATIONERS.

181. The service of a probationer who holds a substantive office and draws substantive pay *qualifies*. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him, pending probation, and in which no other officer simultaneously counts service.

182. Time spent by Police probationers while in course of training will count as service for *pension*, provided they pass their examination.

183. Similarly time spent by an officer holding substantive office in the Government in Settlement Training or *other institution* out of State territory, will count as service for *pension*, provided he passes his examination.

PERMANENT OFFICER DEPUTED.

184. An officer on a Permanent Establishment detached on Temporary duty under the State on the understanding that, when the temporary duty ceases, he will return to the Permanent Establishment, *counts* his detached service (*See Article 245*).

OFFICERS LENT TO OTHER EMPLOYERS.

185. The service of an officer may be lent temporarily to other employers *e. g.* Government of the Union or of any State or any Local Body with the sanction of the competent authority provided—

(a) the officer has rendered five years' service qualifying for pension, and

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(b) contribution for pension and leave allowance is paid by each employer equal to $\frac{1}{4}$ th of the pay drawn immediately before transfer. The competent authority may relax condition (a) in exceptional cases. If the officer belongs to a graded service or is on a progressive or time scale of pay, contribution is payable on that pay to which he has attained or is promoted from time to time under Government rules. If any of these conditions is not fulfilled, the period spent under such employers, except in the case of service taken during leave with allowances under Article 112 (c), will not count for pension or leave and will constitute an interruption of service for leave under these Regulations. The officer so lent shall be said to be in foreign service.

Note 1.—If a contribution for leave and pension due on behalf of a Government servant in foreign service within the territories of the Jammu and Kashmir Government is not paid within 15 days from the end of the month following that for which it is due, interest at the rate of 6 per cent. per annum will be charged on the amount held in arrears up to the date on which it is finally paid. Service in the Private Domains will not be treated as foreign service and no pension contribution is to be incurred.

Note 2.—In future, cases of leave and pension contribution will finally be disposed of by a competent authority so far as the rules are strictly followed and no special treatment outside the rules is accorded in any individual case. Cases in which special concessions are proposed to be given or which are not covered by the existing rules will continue to be submitted to Government for sanction as usual.

185-A. (i) An officer transferred to foreign service remains subject to the general and disciplinary rules of the Government.

(ii) A Government servant reverts from foreign service on the date on which he takes charge of his post in Government service, provided that if he takes leave before rejoining his post, his reversion shall take effect from the date to be decided by the Minister concerned in conjunction with the Finance Department.

(iii) The salary of an officer appointed to act in a sanctioned appointment in foreign service and the joining

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time and transit pay of an officer proceeding to or returning from Foreign service are regulated in accordance with the rules in Part II contained in these Regulations.

185-B. (i) A Government servant in Foreign service draws salary from his Foreign employers and contribution is paid to the Government from the date on which he relinquishes charge of his post in Government service.

An officer reverting to duty under Government ceases to draw pay from the Foreign employer and contribution is discontinued from the date of reversion. The travelling allowance of an officer both when proceeding on transfer to Foreign service and when reverting to duty under the Government, shall be borne by the foreign employers.

(ii) Contribution is payable during privilege leave taken in Foreign service but not during any other kind of leave. An officer in Foreign service draws leave allowances calculated on his pay in the Government save that in the case of privilege leave he is entitled to his actual pay in Foreign service the difference between such pay and pay in the Government being paid by the Foreign employer.

185-C. When an addition is made to a regular establishment on the condition that the cost shall be recovered from the persons for whose benefit the establishment is created, recoveries shall be made under the following rules:—

(i) The amount to be recovered shall be the gross sanctioned cost of the service and shall not vary with the actual expenditure of any month.

(ii) The cost of service shall include contribution at rates laid down in Article 185 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment.

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SUBSTANTIVE OFFICE ABOLISHED.

186. If the substantive office of an officer is abolished within the meaning of Article 207 and the officer is placed on *special duty*, his service on special duty *qualifies*, provided it is really *special* and not merely a transfer to a *temporary* appointment which happens to be vacant (See Article 246).

SETTLEMENT DEPARTMENT.

187. Service in the Settlement Department *qualifies*, provided it is *followed without interruption* by *qualifying* service in the same or some other department.

SECTION IV—THIRD CONDITION.

SOURCES OF REMUNERATION.

188. Service which fulfills the conditions of the preceding Articles from 176 *qualifies*, if paid from the *General Revenues* of the Government. Service paid from any other source does not *qualify*, although it may fulfil all the conditions required above.

Note 1.—When Government servants are transferred along with their posts to Municipalities, the municipal service will count for pension along with the previous service under Government as a special case, provided the posts held by such Government servants are also transferred to the Municipalities. The pension will be chargeable proportionately to the Government Exchequer and the Municipalities.

Note 2.—Sanitation Fund employees working in various Government offices are declared pensionable by debit to General Revenues on recovery of leave and pension contribution from the Cess Fund.

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**SECTION V—DISTINCTION BETWEEN SUPERIOR
AND INFERIOR SERVICE.**

189. Qualifying service is divided into Superior and Inferior.

INFERIOR SERVICE.

190. Service in any office which has been graded as inferior by the rule or practice of the Government, is inferior service.

A list of appointments specially classed as inferior is given in Schedule II.

SUPERIOR SERVICE.

190-A. All other service is superior service including that of permanent teachers, moharrirs or clerks drawing less than Rs. 10 per mensem as they are treated as IV class officers.

SERVICE PARTLY SUPERIOR AND PARTLY INFERIOR.

191. An officer whose service had been partly Inferior and partly Superior may either count—

- (a) the whole as Inferior on the Inferior scale towards pension or gratuity, or
- (b) the Superior portion towards pension or gratuity on the Superior scale, and the Inferior portion towards gratuity on the Inferior scale.

Note 1.— In the case of Police employees, the Superior portion may countt owards pension or gartuity on the Superior scale and the Inferior portion towards gratuity or pension on the scale prescribed in Article 239 (a) (ii).

Note 2.—This will not however apply to Police Constables retired on or after 1st Baisakh, 2008 whose services have been declared superior in respect of their rate of pay.

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Under (a) the pension or gratuity is calculated on the pay (whether in Superior or Inferior service) which the officer drew immediately before his retirement.

Under (b) the pension or gratuity on the Superior scale is calculated upon the average emolument or emoluments respectively which the officer drew when last in Superior service, and the gratuity on the inferior scale upon the pay which he drew when last in Inferior service; provided that the total gratuity or pension and gratuity granted under this clause shall not exceed what would have been admissible, if the whole service had been superior.

192. If an officer has been *reduced* from the Superior to the Inferior class *for misconduct*, he cannot have the benefit of clause (b) to Article 191.

EXCEPTIONAL CASES.

193. If an officer holds two or more offices, each of which is Inferior by reason of its pay not exceeding Rs. 10, he cannot count service as Superior on the ground that his aggregate pay exceeds Rs. 10, unless the offices were arranged and their pay determined with the intention that they should be held by one individual.

CHAPTER XVI—Rules for Reckoning Service.

SECTION I—PERIODS OF LEAVE.

SUPERIOR SERVICE.

194. (a) Except as provided in Article 194 (b), time passed on other leave than privilege leave does not count as Superior service,

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(b) In the case of officers retired on or after 28th March, 1918/16th Chet, 1974, time passed on leave with allowances counts as service as follows:—

If the total service of the officer is not less than	He counts as service a period of leave out of India not exceeding	He counts as service a period of leave in India not exceeding
--	---	---

15 years.	1 year,	1 year.
20 „	2 years.	1 „
25 „	3 „	1 „
30 „	4 „	2 years
35 „	5 „	2 „

Note.—The period in columns 2 and 3 are not cumulative, that is, an officer may not count two years' leave in 15 years' service or more than 4 years' leave in 30 years' service. The maximum amount of leave both in and out of India which may be counted is that shown in column 2.

INFERIOR SERVICE.

195. An Inferior servant counts periods of authorised leave, *i. e.* leave granted by competent authority under the Leave Rules (Part III, Chapter XIII).

196. Leave without allowances may count on the Inferior scale if the whole amount of leave taken with or without allowances does not exceed what is admissible with allowances under the Leave Rules referred to in the preceding Article.

Note.—The amount of privilege leave that might have been given to an inferior servant under this Article should be calculated on his net service after deducting long leave of all sorts actually taken from the total service.

SECTION II—SUSPENSIONS, RESIGNATIONS, BREAKS AND DEFICIENCIES IN SERVICE.

PERIODS OF SUSPENSION.

197. Time passed under suspension, pending en-

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quiry into conduct, *counts* if the suspension is immediately followed by reinstatement.

198. Time passed under suspension adjudged as specific penalty does **not count**.

199. If an officer, who has been suspended pending enquiry into his conduct, is reinstated but with forfeiture of any part of his **allowances** for the period of suspension, this period **does not count** unless the authority who reinstates the officer expressly declared *at the time* that the period shall *count*.

RESIGNATIONS AND DISMISSALS.

200. Resignation of the public service or removal from it for misconduct, insolvency, inefficiency not due to age or failure to pass a prescribed examination, entails forfeiture of **past service**.

201. Resignation of an appointment to take up another appointment, in which service **counts**, is not to be held to be a resignation of the **Government service**, provided the consent of the former departmental superior is **obtained** to accepting such employment.

202. Any authority who, on revision or appeal, reverses an order dismissing an officer, may declare that the past service of the reinstated officer counts; in absence of such a declaration, past service will not be counted.

INTERRUPTIONS.

203. An interruption in the service of an officer entails forfeiture of his **past service**, except in the following cases, namely :—

(a) **Authorised** leave of absence ;

(b) **Unauthorised** absence in continuation of authorised leave of **absence**, so long as the office of the absentee is not substantively

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filled ; if his office is substantively filled, the past service of the absentee is forfeited :

Provided that if the absentee is subsequently reinstated, the authority whose duty it is to make the appointment within three months or the Minister-in-Charge with the consent of Finance Department within a year from the end of the authorised leave of absence may declare, in an order to be communicated to the *Accountant-General*, that his previous service or any part of it shall not be forfeited ;

- (c) Suspension immediately followed by reinstatement, which need not be to the same office ;
- (d) Abolition of office or loss of appointment owing to reduction in establishment ;
- (e) Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority and for the benefit of the Government. An officer who voluntarily resigns qualifying service cannot claim the benefit of this exception ;
- (f) Time occupied in transit from one appointment to another ; provided that the officer is transferred under the orders of a competent authority or, if he is a *non-gazetted* officer, with the consent of the Head of his old office.

204. The authority competent to sanction pension may commute retrospectively period of absence without leave into leave without allowances. (See Article 129)

CONDONATION OF INTERRUPTION AND DEFICIENCIES.

205. (a) Interruptions or breaks in service may

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be condoned by the Government at its option on the *merits* of each case but, generally speaking, interruptions or breaks in service exceeding 12 months will not be condoned unless there are *very special reasons* for them.

(v) Upon any conditions which it may think fit to impose, the competent authority may condone a *deficiency* of 3 months in *qualifying service*.

CHAPTER XVII—Conditions of Grant of Pension.

SECTION I—CLASSIFICATION OF PENSION.

206. (a) Pensions for Superior service are divided into four classes, the rules for which are prescribed in the following Sections of this Chapter :—

- (I) Compensation Pensions. (See Section II).
- (II) Invalid Pensions. (See Section III).
- (III) Superannuation Pensions. (See Section IV).
- (IV) Retiring Pensions. (See Section V).

(b) Pensions for Inferior service are regulated by Articles 239 to 240.

SECTION II—COMPENSATION PENSIONS.

EXPLANATION.

207. If an officer is selected for discharge owing to

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the abolition of his permanent post he shall, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option—

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has rendered ; or
- (b) of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

208. Deleted.

SELECTION OF DISCHARGE.

209. Whenever upon reduction of an establishment it is necessary to discharge one or more members thereof, the selection of officers to be discharged should *prima facie* be so made that the least charge for compensation pension will be incurred.

210. The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 207 ; the abolition must produce a real saving to the Government. Particulars of the saving effected should be clearly set forth in every application for Compensation pension. The saving should always exceed the cost of pension, otherwise it may perhaps be better to postpone the reduction of establishment or abolition of appointment.

RESTRICTIONS.

211. No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

212. No pension may be awarded for the loss of a Local Allowance.

213. Deleted.

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214. Deleted.

SECTION III—INVALID PENSIONS.

CONDITIONS OF GRANT.

215. An Invalid *pension* is awarded, on his retirement from the Government service to an officer who, by bodily or mental infirmity, is permanently incapacitated—

(i) for the Government service, or

(ii) for a particular branch of it to which he belongs.

RULES OF MEDICAL CERTIFICATES.

216. An officer may retire voluntarily or be retired compulsorily on an invalid pension at any time after he has attained the age of 60 years. No certificate by a medical officer will be necessary in such cases; it will be sufficient for the Head of the office to which the officer to be retired belongs to certify to the officer's incapacity for further service. In other cases incapacity for service must be established by a medical certificate attested by the Superintendent of a State Civil Hospital or a Chief Medical Officer of the Province in which the officer to be retired is serving.

217. If the pension applied for exceeds Rs 50 a month, a certificate by the Superintendent of a State Civil Hospital or a Chief Medical Officer is not sufficient when without undue inconvenience, the applicant can appear before the Director of Public Health, Jammu and Kashmir Government, who will examine the applicant again and countersign the certificate granted by the Superintendent of a State Civil Hospital or a Chief Medical Officer.

218. A simple certificate that inefficiency is due to old age or natural decay from advancing years,

is not sufficient in the case of an officer whose recorded age is less than 55 years. In such a case, the cause of inefficiency must be exactly stated or if this is impossible, detailed reasons for the opinion should be given.

FORM OF MEDICAL CERTIFICATE.

219. (a) The form of Medical certificate to be given respecting an officer applying for pension is as follows :—

“Certified that I have carefully examined A. B. son of C. D. a.....in the.....Department. His age is, by his own statement.....years and by appearance about.....years. I consider A. B. to be completely and permanently incapacitated for further service of any kind (or in the Department to which he belongs) in consequence of.....(*here state disease or cause*). His incapacity does not appear to me to have been caused by irregular or intemperate habits”

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made.)

“I am of opinion that A. B. is fit for further service of a less laborious character than that which he has been doing (or may, after resting for.....months be fit for further service of a less laborious character than that which he has been doing)”.

(b) The object of the second alternative certificate (of partial incapacity) is that an officer should if possible, be employed even on lower pay so that the expense of pensioning him may be avoided.

If there be no means of employing him even on lower pay, then he may be admitted to *pension*; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant him the full *pension* admissible under rule.

RESTRICTIONS.

220. An officer discharged on other grounds has

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no claim under Article 215 even if he can produce medical evidence of incapacity for further service.

221. (a) In case of an officer being permanently incapacitated under clause (i) of Article 215 for the particular branch of service to which he belongs, every effort should be made to find other employment suited to his particular capacity.

(b) If the incapacity is the result of *irregular* or *intemperate habits*, no *pension* can be granted.

APPLICANT TO BE DISCHARGED.

222. An officer who has submitted under Article 216 a Medical certificate of incapacity for further service, must not be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence.

223. An Inferior servant who, in the opinion of the Head of his office is fit for light work, may be retained in employment till his pension is sanctioned ; provided that his place is not filled up till he retires and that his service counts only to the date of his Medical certificate.

224. Article 222 refers only to the retention in *active* service of an officer who has furnished a Medical certificate in support of an application for Invalid pension or Gratuity while in service. The retirement of an officer who is absent on leave other than Privilege leave, when such certificate is submitted, *may* have effect from the termination of his leave and the officer *may* continue to draw leave allowance to the end of his leave.

SECTION IV—SUPERANNUATION PENSION.

EXPLANATION.

225. A Superannuation Pension is granted to an officer entitled or compelled by rule to retire at a particular age.

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226. Except as otherwise provided in these Regulations, the date of compulsory retirement of a Government servant is the date on which he attains the age of 55 years. He may, however, be retained in service after the date of compulsory retirement with the sanction of the Government on public grounds which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

Note.—Recommendations for extension should be put forward subject to Medical Certificate of physical fitness by a competent Medical authority.

227. Government may permit a non-gazetted officer serving in any department subordinate to him to remain in service; provided that he continues to be efficient for a definite period up to, but not beyond, 60 years, or compel him to retire at the age of 55 years, or on the expiry of any further period up to which his service has been extended, or before the expiry of such further period, if he ceases to be efficient. Each such subordinate's case must be taken up when he is 55 years old and on the expiry of each extension of service.

Note.—In the case of Police Officers, Traffic Control Department and the Fire Brigade whose appointment is in the hands of Inspector General of Police or any of his subordinate officers, the retirement under ordinary rules or retention upto the age of 60, rests with the Inspector General of Police.

PROCEDURE.

228. On or before 1st October of each year, or as soon as possible after the examination of the books of establishment, the Accountant-General will submit to the Competent authority or to the Minister, empowered under the preceding Article as the case may be, a list of officers who will attain the age of 55 years, or whose extensions of service will expire during the next financial year, with a view to the necessary action being taken for the retention or otherwise of the officers in question.

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Note 1.—Although Public Prosecutors are not whole-time servants, yet their names should appear in this list.

Note 2.—In the case of an officer whose year of birth is known but not the exact date, the 1st July should be treated as the date of birth for the purposes of determining the date on which the officer concerned should be held to have attained the age of 55 years. In case, however, the month of birth, but not the exact date, is known, the 16th day of the month should be treated as the date of the officer's birth.

OPTIONAL RETIREMENT AT 55.

229. An officer in superior service who has attained the age of 55 years may, at his option, retire from service on superannuation *pension*.

SECTION V—RETIRING PENSION.

EXPLANATION.

230. A Retiring Pension is granted to an officer who voluntarily retires after completing qualifying superior service for 30 years.

231. Deleted.

CHAPTER XVIII—Amount of Pension.

SECTION 1—GENERAL RULES.

AMOUNT HOW REGULATED

232. The amount of *pension* that may be granted is determined by length of service in accordance with Articles 236 to 240. Fractions of a year are not taken into account in the calculation of any *pension* admissible to an officer under this Part of these Regulations.

Note.—Pension may be calculated to the nearest anna.

AWARD OF FULL PENSION

233. The full pension admissible under these Rules is not given as a matter of course or unless the service rendered has been really approved.

Note 1.—The Ministers should make it known to every employee of the Government that in future, pension will not be granted as a matter of course but only for honest service, and every officer will be held responsible to see that no recommendation for award of pension is made in favour of any dishonest official.

Note 2.—The officer so removed may be granted compassionate allowance under Article 170 of these Regulations in special cases, provided the allowance granted to any officer shall not exceed two-third of the pension which would have been admissible to him if he had retired on medical certificate.

Note 3.—All Heads of Departments should in future when an application is made for compassionate allowance for a Government servant removed in the circumstances above mentioned, it should be carefully explained :

- (a) Why the case is deserving of special consideration ?
- (b) What are the reasons for recommending maximum allowance admissible ?

234 If the service, has not been thoroughly satisfactory, the Government may make such reduction in the amount of pension as it thinks proper.

LIMITATION

235. An officer entitled to a pension may not take gratuity instead of pension.

SECTION II—AMOUNT OF SUPERIOR PENSION

AMOUNT ADMISSIBLE

236. The amount of pension is regulated by the length of service as follows :—

- (a) After a service of less than 10 years, a gratuity not exceeding one month's emoluments for each completed year of service. If the emolu-

AMOUNT OF PENSION

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ments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may at the discretion of the Minister-in-charge (provided Finance Department has no objection), be substituted for emoluments.

(b) After a service of not less than 10 years, a pension not exceeding the following amounts :—

Years of completed service.	Scale of Pension of average emoluments.	<i>Maximum limit of pension.</i>	
		Per annum.	Per month
		Rs.	Rs.
10	10 sixtieth	1,920	160
11	11 „	2,112	176
12	12 „	2,304	192
13	13 „	2,496	208
14	14 „	2,688	224
15	15 „	2,880	240
16	16 „	3,072	256
17	17 „	3,264	272
18	18 „	3,456	288
19	19 „	3,648	304
20	20 „	3,840	320
21	21 „	4,032	336
22	22 „	4,224	352
23	23 „	4,416	368
24	24 „	4,608	384
25 and above	30 „	4,800	400

Note. 1.—In the case of officers whose average emoluments on retirement are not less than Rs. 1,000 per mensem, the maximum pension for a service of 25 years and over may be raised up to Rs. 450 per mensem.

Note 2 —For the precise meaning of “Average emoluments” Articles 241 and 243 should be referred to.

237. Deleted

238. Deleted.

SECTION III—AMOUNT OF INFERIOR PENSION.

239. For inferior qualifying service, pension may, subject to the conditions laid down in Articles 207 to 224 be granted as follows :—

(a) (i) Compensation and Invalid gratuity to employees of all Government Departments, except Police, who retire on or after 5th December, 1916 or 2nd Poh, 1973—

(i) after a service of less than 5 years .. Nil.

(ii) after a service of not less than 5 years, but less than 10 years..3 months' pay.

(iii) after a service of not less than 10 years, but less than 15 years .. 4 months' pay.

(iv) after a service of not less than 15 years, but less than 20 years .. 5 months' pay.

(v) after a service of not less than 20 years, but less than 30 years. ... 6 months' pay.

(ii) Police employees and Jail Warders retired on or after 5th December, 1916/2nd Poh, 1973 and 17th January, 1935/ 4th Magh, 1991 respectively "(this will not apply to Police Constables and Jail Warders retired on or after 1st Baisakh, 2003 and 30th December, 1954, respectively, who have been classed as superior for purpose of Pension irrespective of their rate of pay") :—

(i) after a service of less than 5 years .. Nil.

(ii) after a service of not less than 5 years, but less than 10 years ..3 months' pay.

AMOUNT OF PENSION

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- (iii) after a service of not less than 10 years, but less than 15 years ... 6 months' pay.
- (iv) With effect from 6th Sawan, 1995 or 15 years complete service, a pension of 15/60th or $\frac{1}{4}$ th average emoluments restricted to Rs. 3 per mensem to be increased by Re. 0-3-2 $\frac{2}{5}$ for each further complete year of service until at 30 years restricted to the maximum of Rs. 6 per mensem.
- (b) Compensation and Invalid pension ; after a service of not less than 30 years, half pay not exceeding Rs. 6/- a month with effect from 6th Sawan 1995/21st July, 1938.
- (c) Jamadars employed in the various Secretariats and other offices drawing Rs. 16 p. m. or above, retired on or after 1st Baisakh, 2001 after a service of not less than 30 years are entitled to compensation or invalid pension equal to one-half of their pay not exceeding Rs. 8 p. m.
- (d) If the pay of an officer has been reduced during the last 3 years of his service otherwise than as penalty, his gratuity or pension may, at the discretion of the Competent authority, be calculated upon the average of his pay during the last 3 years of his service.

240. There is no Superannuation or Retiring pension for inferior service.

SECTION IV.—ALLOWANCES RECKONED FOR PENSION.

EMPLOYMENT AND AVERAGE EMOLUMENTS.

241. The term "*Emoluments*" means the emoluments which the officer was receiving immediately before his retirement and includes—

- (a) Pay ;
- (b) Personal allowance ;

- (c) Acting allowances of an officer without substantive appointment if the Acting service counts under Article 179, and allowances drawn by an officer appointed provisionally or substantively *protempore* to an office which is substantively vacant and on which no officer has a lien, or to an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances, or on transfer under Article 185.

242. The term "*Average emoluments*" means the average calculated upon the last 3 years of service.

Note 1.—If during the last three years of his service, an officer has been absent from duty on leave with allowances or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purposes of ascertaining the average, should be taken at what they would have been, had he not been absent from duty or suspended: Provided always that his pension must not be increased on account of increase in pay not actually drawn.

Note 2.—If during the last 3 years of his service, an officer has been absent from duty on leave without allowances (not counting for *pension*) or in Inferior service, or suspended under such circumstances that the period of suspension does not count as service, the period so passed should be disregarded in the calculation of the average, an equal period before the 3 years being included.

Note 3.—Excepting as provided in Notes 1 and 2 above, only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations.

ALLOWANCE WHICH DO NOT COUNT

243. An officer cannot count the following allowances :—

- (1) Local Allowance including allowances given for duties performed in addition to the work of a regular appointment ;
- (2) House-rent allowance or estimated value of free quarters ;

AMOUNT OF PENSION

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(iii) Compensation for dearness of provisions.

NET EMOLUMENTS TAKEN

244. Any part of an officer's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded, *e. g.*—

- (i) When an officer's pay is intended partly to cover the expenses of his providing or keeping a horse, his pay must be taken at what it would be if it was not intended to cover such expenses; or again
- (ii) When a consolidated pay specially includes tentage, travelling allowance or house-rent, these must be deducted.

245. When service on temporary duty counts for pension under Article 184, the pay of the permanent appointment held by the officer and not that drawn in respect of temporary duty, is taken into consideration in determining the amount of pension.

246. The preceding Article does not apply to an officer deputed on abolition of his appointment to special duty (Article 186), or to an officer who, when his appointment was abolished, was on special duty. In these cases the full allowances are counted.

COMBINATION OF APPOINTMENTS

247. If an officer has held more than one appointment in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Article 236.

248. An officer is not entitled for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held

CHAP. XIX] SPECIAL RULES FOR PURELY COMMERCIAL DEPTS.

the office separately and alone.

CHAPTER XIX.

SECTION I—SPECIAL RULES FOR PURELY COMMERCIAL DEPARTMENTS.

249. Service in Departments such as the Sericulture, Wine Manufacturing, Silk Weaving, Mulberry Culture or other *purely* Commercial Departments does not count for *pension*. This is subject to the following exceptions, namely : -

(i) Officers who were already in these departments or joined them from other departments (in which their service qualified) previous to 20th June, 1906—7th Har, 1963, the date from which the new Pension Rules came into force, may be considered as continuing in qualifying service provided they get no commission under the departmental rules.

(ii) Clerical establishments in these departments may be considered in qualifying service, provided they draw no commission.

(iii) The service rendered with effect from 1st Katik, 1995 by the peons in the Sericulture and Mulberry Culture Departments will qualify for pension in the cases of persons retired on or after 19-12-1939/4-9-1996.

(iv) The services rendered with effect from 1st Katik, 1995 by such of the Sericulture employees in service on or after 27-10-1942/11-7-1949 as had on 1st Katik, 1995 completed 15 years' continuous service will qualify for pension, provided they refund (a) the amount of commission without interest drawn by them from 1-7-1996, and (b) the share of Government contribution to their contributory provident fund from 1-7-1995 together with the interest calculated thereon and credited to their account.

(v) The service of such of the seed Examiners in 30-2-50 (revised 45-2-65) grade of the Sericulture and Mulberry Culture Departments as have on 1st Katik 1995 completed 15 years' continuous service be treated superior for purposes of pension and the benefit of pension as provided in exception (iv) above be extended to them subject to the conditions laid down therein.

WOUND AND OTHER EXTRAORDINARY PENSIONS [CHAP. XIX-A]

CHAPTER XIX-A—Wound and other extraordinary Pensions.

SECTION I.—GENERAL RULES

249-A. The rules in this Chapter apply to all persons employed permanently in a civil capacity in the service of Government, provided that an award shall be paid under the provisions of this Chapter only when the Government considers that the compensation if payable under the Compassionate Fund Rules (See Schedule VI) is, in the particular case, inadequate.

249-B. Government do not bind themselves to grant a pension or gratuity in every case or if they grant a pension, to grant it for life.

249-C. Every grant of pension under this Chapter is subject to the provisions of Article 168.

249-D. In cases where considerable delay has occurred in applying for an extraordinary pension, the grant if any, will take effect only from the date of report of the Medical Board or, in the case of a family pension, from such date as the Government may decide. Otherwise the grant may be made with effect from the date of wound, injury or death.

249-E. If an officer is incapacitated for further civil service in consequence of a wound, injury or disability, in respect of which an extraordinary gratuity or pension is awarded to him under the provisions of this Chapter, he will be eligible to receive, in addition to such extraordinary gratuity or pension, any ordinary civil pension or gratuity for which he may be eligible under these Regulations.

SECTION II—WOUNDS, INJURIES OR OTHER DISABILITIES SUSTAINED OTHERWISE THAN ON SERVICE WITH A MILITARY FORCE.

249-F. (a) The rules in this Section provide for the grant of a pension or a gratuity to an officer in civil employ who is injured and to the family of such an officer who is killed or dies of injuries received in the execution of

CHAP. XIX A] WOUND AND OTHER EXTRAORDINARY PENSION

public duty in circumstances other than those of military service.

Note.—Military officers in the civil employ who receive wounds or injuries in discharge of civil duties and the families of those officers who die of such wounds or injuries will be dealt with under the rules in this Section.

(b) No gratuity or pension shall be sanctioned under these Rules except after necessary medical report and the report of the Audit Office have been obtained, provided that if the officer lost his life in circumstances which render it impossible to procure a medical report, reliable evidence of the actual occurrence of death may be accepted in lieu thereof.

249-G. (a) When a claim for an extraordinary pension or gratuity under these rules arises, the Head of the Department or of the office in which the deceased or the injured officer was employed will get a report from the local Revenue Officers on the following points:—

- (i) the circumstances in which the injury was received or the life lost;
- (ii) in the case of death, the relationship and the pecuniary circumstances of the claimants.

(b) He will then submit the case with a statement of the circumstances and his recommendations through the usual channel to the Minister-in-charge of the Department. The application should be in the Form given below, suitable modifications being made in the heading and other columns of the Form in the case of an officer disabled for further service through wound or injury.

Application for an Extraordinary Pension/Gratuity for the family of late..... killed/died in the execution of duty.

- | | | |
|--------------------------|---|---|
| Description of Claimant. | { | (1) Name. |
| | | (2) Residence showing Mohalla or Village, Tehsil or District. |
| | | (3) Age. |
| | | (4) Health, Height. |
| | | (5) Race, caste or sect. |
| | | (6) Mark of identification. |
| | | (7) Present occupation and pecuniary circumstances. |
| | | (8) Degree of relationship to deceased. |

WOUND AND OTHER EXTRAORDINARY PENSIONS [CHAP. XIX-A]

Description of
deceased.

- (9) Name.
- (10) Occupation and service.
- (11) Length of service.
- (12) Last pay.
- (13) Nature of injury causing death.

Proposal of the
Head of Depart-
ment or office.

- (14) Amount of Pension/gratuity proposed.
- (15) Proposed condition of the grant.
- (16) Date from which pension is to commence.
- (17) Remarks.

Name and ages of
surviving kindred
of the deceased.

- (18) { Name Date of birth by Christian era.
- { Sons.
- { Widows.
- { Daughters.
- { Father.
- { Mother.

Place..... }
Date..... }

Signature of the Head of
office, or Department.

Note—If the deceased has left no son, widow daughter, father or mother surviving him, the word “None” or “dead” should be entered opposite to each relation.

CHA.XIX-A] WOUND AND OTHER EXTRAORDINARY PENSIONS

249-H. Grant of pension or gratuity under these rules requires Government sanction and may be made only when injury or death is met in the performance of any particular duty which has the effect of increasing the officer's liability to injury or death beyond the ordinary risk of the civil appointment held by him. No claims shall be admitted on account of loss of life or bodily injury resulting from an accident to which an officer may be liable under the ordinary conditions of civil life or in connection with the ordinary discharge of his duty.

249-I. If in the circumstances described in the preceding Article it be decided to award a gratuity or pension to a civil officer or his family and the injury or death in respect of which the grant is to be made has been caused otherwise than on service with a Military Force, the amount of the award shall be as prescribed below :—

A. Non-Gazetted Officers.

- | | |
|------------------------------|--|
| (i) Wound or injury pension. | $\frac{1}{3}$ rd of pay subject to maximum of Rs. 10 p. m. |
| (ii) Family Pension | $\frac{1}{2}$ of pay subject to a maximum of Rs. 25 p. m. |

B. Gazetted Officers.

- | | |
|------------------------------|--|
| (i) Wound or injury pension. | $\frac{1}{3}$ rd of pay subject to a maximum of Rs. 20 p. m. |
| (ii) Family pension. | $\frac{1}{2}$ of pay subject to a maximum of Rs. 50 p. m. |

249-J. Government may award extraordinary pensions or gratuities in special cases where the conditions of Article 249-H are not strictly fulfilled, as for instance, when an officer is killed or injured in or in consequence of the due performance of his official duties or because of his official position.

WOUND AND OTHER EXTRAORDINARY PENSIONS [CHAP. XIX-A]

249-K. If in the circumstances described in Article 249-I it be decided to award a pension or gratuity to a civil officer or his family, the amount of the award shall be fixed by the Government in consultation with the Finance Department, with reference to the character and service of the officer, the nature of the risk undergone and his conduct in accepting it and the pecuniary circumstances and prospects of the claimant, the maximum award being that which would be admissible in a corresponding case falling under Article 249-H. The conditions of the award shall ordinarily be the same as those prescribed for a corresponding case under that Article, but the Government may modify these at their discretion *e.g.* they may award gratuity in lieu of pension or *vice versa* if they think that this would be to the benefit of the recipient or desirable on grounds of administrative convenience.

249-L. Subject only to such conditions as they may impose, the Government may grant to an officer, who has been severely injured or has contracted a serious disease in the execution of public duty, or to the family of an officer who has died from the effects of such injury or disease, an extraordinary pension not exceeding Rs. 10 a month in the case of Non-Gazetted officers and Rs. 20 a month in the case of Gazetted officers or a gratuity not exceeding the equivalent of that amount or Rs. 500, whichever may be greater.

Note 1.—For the purpose of awarding a family pension under these rules, the term “family” includes only wife, legitimate child, father or mother, minor brothers or sisters dependent upon the deceased for support.

Note 2.—The pension under these rules will be allotted—

- (a) to the eldest surviving son for the support of the family ;
- (b) failing a son, to the eldest widow for the same purpose ;
- (c) failing both sons and widows, to the eldest surviving unmarried daughter for the same purpose ;

CHAP. XIX-A] WOUND AND OTHER EXTRAORDINARY PENSIONS

(d) these failing, to the father for the same purpose ;

(e) failing (a) to (d) above to the mother for the same purpose ;

(f) failing all these, to the eldest minor brother or sister, if wholly dependent upon the deceased.

Note 3.—The pension to a male is tenable as follows:—

(a) if the pensioner is under 6 years, till he is 18 years old ;

(b) if not under 6 but under 50 years, for 12 years ;

(c) if not under 50 ; for life.

Note 4.—The pension to a female is for life or until marriage.

249-M. The Ministers are hereby vested with powers to grant family pension or gratuity, as the case may be, in favour of the dependents of Government employees who were killed or are reported missing as a result of the raids on the State and dependents of such other Government employees as died in the communal disturbances of 1947 and 1948, subject to the following conditions and rules, namely:—

(a) (i) The maximum family pension admissible to the dependents of a gazetted officer and non-gazetted official will not exceed Rs. 50 and Rs. 25 p. m. respectively.

(ii) The services of an inferior servant will be eligible to receive a maximum lumpsum gratuity of Rs. 100 in each case.

(iii) The grant of the pension or gratuity will be admissible only in cases in which pecuniary conditions of the dependents warrant the provision of relief by the Government.

(iv) The pension or gratuity will be payable to the widow or the minor children of the deceased official or his widow mother if she was dependent for her maintenance on him, or to all these as the case may be, and not to any other relative of the deceased.

WOUND AND OTHER EXTRAORDINARY PENSIONS [CHAP. XIX-A]

(v) In the case of a widow, the pension will be tenable during her life time or till her re-marriage.

(vi) In the case of a minor, the pension will be payable only upto the date on which the eldest son attains the age of 21 years.

(vii) In the case of minors, none of whom is a male child, the pension will continue to be paid until they are all married.

(viii) Where the pension is to be drawn by more than one person, it will be distributed among them in equal proportion and will lapse to the Government to the extent of the share of any of the beneficiaries who dies, re-marries or attains the age of majority.

(ix) The grant of pension will not be admissible to dependents of the deceased officials who might have migrated to Pakistan.

(x) No pension or gratuity under this order will be sanctioned except under the written orders of the Minister-in-charge which will be issued after an enquiry is instituted in each case by the Deputy Commissioner concerned who will record a certificate in respect of the age of the claimant or claimants and verify that they are the real dependents of the deceased and that their pecuniary condition warrants the provision of relief.

(b) The above concessions will also apply to Government servants who might have been serving in Poonch and Chennani Jagirs during the raids but will not apply to the personnel of Jammu and Kashmir Militia whose cases are covered by separate rules.

Note.—The relief granted under the above rules shall take effect from the date of the said order, viz. 10th November, 1951.

CHAPTER XX—Re-employment of Pensioners.

SECTION I—CIVIL PENSIONERS

NOTICE OF RE-EMPLOYMENT

250. The following Rules require in certain cases deductions to be made from the pensions or salaries of re-employed officers. When a person, who was formerly in State employ, is re-employed whether temporarily or permanently, the authority re appointing him shall specially state in the order of re-appointment whether he received any gratuity, *bonus* or pension on retirement, and shall communicate a copy of this order to the Accountant-General, and if necessary, direct that the proper deductions be made.

Note.—“Authority” in the above Article shall mean the Government.

AFTER COMPENSATION GRATUITY.

251. An officer who has obtained a compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

252. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalment of not less than $\frac{1}{3}$ rd of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

253. The attention of every officer who is re-employed should be specially called to the preceding Article by the authority re-employing him, and whenever he becomes aware of such appointment, by the Accountant-General; but the failure of such authority

RE-EMPLOYMENT OF PENSIONERS

[CHAP. XX

to do this will not be admitted as a ground for allowing the refund at a later date.

AFTER COMPENSATION PENSION.

254. An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from general revenues, the pension shall remain wholly or partly in abeyance if the sum of pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge *i. e.*, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment for *bona fide* temporary duty lasting for not more than a year, the Government may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

Note 1.—Restrictions in this Article do not apply to *ex-policemen* whose pension does not exceed Rs. 10 p. m. or *ex-inferior* servants.

Note 2.—The substantive pay at the time of discharge will, in the case of an officer discharged before 1-5-2010 but not earlier than 1-9-2002 and re-employed after that date, be the initial pay in the corresponding revised scale which he would have been entitled to in accordance with the provisions of C. O. No. 1188-C of 1953 dated 26-9-53 if he had continued in service. The initial pay in such cases will be fixed with reference to the emoluments actually drawn on the date of discharge and the number of increments admissible determined by the length of service excluding non-qualifying service as also the gap between discharge and re-employment.

255. If the re-employment is in qualifying service,

he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

Note.—An officer counts his previous service under the preceding Article if on re-employment his pension remains wholly in abeyance under the proviso to Article 254.

256. If an officer does not, within 3 months from the date of his re-employment, exercise the option conceded by Articles 254 and 255 of ceasing to draw pension and counting his former service, he may not thereafter do so without the special permission of the Government.

257. Deleted.

AFTER INVALID PENSION

258. There is no bar to the re-employment of an officer who has regained health after obtaining invalid pension, or if any officer is invalided as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of service. The rules in such a case as to refunding gratuity, drawing pension and counting service are the same as in the case of re-employment after compensation pension.

AFTER SUPERANNUATION AND RETIRING PENSIONS

259. An officer who is in receipt of superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from general revenues or from a local fund except on public grounds.

Sanction to re-employment or extension of the term of employment may be given by the Government.

259-A. The Government shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall

RE-EMPLOYMENT OF PENSIONERS.

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take the fact into account in fixing the pay to be allowed to him, provided that—

- (a) the authority competent to sanction pension under Article 259 may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re-employment or continued employment is for *bona fide* temporary duty lasting for not more than a year or the pension does not exceed Rs. 10 a month ; and
- (b) in other cases such authority may not allow the pensioner to draw in full a pension of more than Rs. 10 a month in addition to the full pay of the post.

Note 1.—In the case of an officer retired before 1-5-2010 but not earlier than 1-1-2009 and re-employed after 1-5-2010 in a corresponding revised scale of the post held by him on the eve of his retirement, benefit should be given of the revision of scales sanctioned under C. O. No. 1188-C of 1953 and his initial pay fixed at a rate to which he would have been entitled, had he continued in service upto 1-5-2010 based on the emoluments actually drawn on the date of retirement, the number of advance increments, if any, permissible being determined by the length of service excluding non-qualifying service and the gap between the dates of retirement and re-employment.

Note 2.—Where the employment is in a service paid from a local fund, the authority determining whether the pension shall be wholly or partly held in abeyance shall be either,

- (i) the authority administering the local fund if so empowered by Government by special or general orders in this behalf ;
- (ii) in any other case the Government or any other authority as the Government may prescribe.

Note 3.—The restrictions in this Article do not apply to policemen whose pension does not exceed Rs. 10 a month or inferior servants.

SECTION II.—OTHER PENSIONERS

MILITARY PENSIONERS

260. The rules given in Section I, do not apply to a military pensioner in civil employ ; the claims of such an

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officer to salary in the Civil Department will be regulated by the rules contained in the Pension Regulations of the Jammu and Kashmir State Forces and his claims to pension by the rules applicable to Civil Departments.

SECTION III—PENSION FOR NEW SERVICE.

WHEN ADMISSIBLE.

261. Except as provided in Article 260, an officer, who having been discharged with a *pension*, is subsequently re-employed, may not count his new service for a separate *pension*. Pension (if any) is admissible only for the new service combined with the old, the whole being counted as one service.

262. If an officer who has obtained a Compensation or Invalid pension is re-employed in pensionable service and retains the pension, the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or capital value of the pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the officer's final retirement, if the two periods of the service were combined and the value of the pension already granted for the previous service.

WHEN GRATUITY IS NOT REFUNDED.

263. If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be), allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension calculated according to *table A ; given in Appendix No. 10, Indian Civil Service Regulations* plus the amount of the previous gratuity, shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier period been refunded, if it does exceed, the excess must be disallowed.

RECORD OF SERVICE

[CHAP. XXI.]

PART V.—RECORD OF SERVICE

CHAPTER XXI.—General Rules.

SECTION I.—GAZETTED OFFICERS

264. A record of the service of Gazetted Officers is maintained by the Accountant-General who audits the salaries. When a Lent officer is reverted to his appointment in the Government of India, a copy of his Service Register will be sent by the Audit Officer to the Accountant or Controller General accounting for the contribution.

SECTION II—NON-GAZETTED OFFICERS

SERVICE BOOKS AND SERVICE ROLLS

265. With the exceptions noted below, every non-gazetted officer holding a substantive appointment on a permanent establishment, is required to keep up a Service Book (Treasury Form No. 60), in which every step in his official life, in minute detail, should be recorded. It should show changes in pay, leave taken, transfer, deputation and suspension, and other interruptions in service, in detail, with duration of each duly contemporaneously attested by the Head of the office. If the officer is himself the Head of an office, the contemporaneous attestation should be made by his immediate superior. The following are the exceptions referred to :—

- (i) Police officers, for whom a special form of character rolls has been prescribed by the Minister-in-charge of the Police Department.
- (ii) Menial and Inferior servants of such large establishment as Gardeners, Boatmen, Sweepers and Mates in the Municipality and Syces, etc., in the Stables and Baggikhana who are constan-

CHAP. XXI.] APPLICATION FOR AND GRANT OF LEAVE.

tly leaving the service either of their own accord or are dismissed for sundry faults, for whom Service Rolls (Treasury Form No. 57 and 58), have been prescribed.

266. A Service Book is supplied, at his own cost, to every officer on his *first appointment*. It is kept in the Custody of the Head of the office under whose signature the monthly pay bill of the establishment is paid from the Treasury. When an employee is transferred to another office, his service book should be sent to the Head of the office to which he is transferred and not made over to him, nor should it be given to him when proceeding on leave. When a non-gazetted officer is officiating in a gazetted appointment, his service book should be kept by the Head of the office to which such officer permanently belongs, but when he is confirmed in such appointment, his service book should be forwarded to the Accountant General for record in his office. The service book may be given up to the officer concerned if he resigns or is discharged without fault, an entry being first made therein to this effect.

RESPONSIBILITY FOR ENTRIES.

267. It is the duty of every officer to see that his service book is properly kept up, and that all corrections in it are properly attested. If the book is not carefully kept up, difficulties may arise as to the verification of service, when the officer applies for *pension*.

268. Personal certificates of character should not ordinarily be entered in the the service book ; but if any officer is reduced to a lower substantive appointment, the cause of the reduction should always be stated in brief.

PART VI—PROCEDURE RELATING TO LEAVE.

CHAPTER XXII—Applications for and Grant of Leave.

SECTION I.—APPLICATION.

269. Applications for leave should be submitted to,

APPLICATION FOR AND GRANT OF LEAVE [CHAP. XXII]

and the leave be granted by, the officer competent to sanction it.

270. When a gazetted officer applies for leave, he should quote the Article or Section of these Regulations under which he considers himself entitled to the leave. The application should be made only in the prescribed form. In the case of non-gazetted officers, the Service Book should be carefully examined and these rules referred to, before the application is sanctioned with a view to ascertaining the admissibility or otherwise of the leave applied for.

PRIVILEGE LEAVE

271. An officer applying for privilege leave must, except when the leave is combined with other leave under Article 130, record a declaration that he has no intention of taking furlough, or leave on private affairs for three months after his return to duty. Though not absolutely debarred by the declaration from applying for permission to take such leave within 3 months, he should if he does so, explain his change of mind.

Note.—This Article does not apply to officers who, either under the superannuation rules or their contract of service, have to retire on or within 3 months of expiry of such leave.

MEDICAL CERTIFICATE

272. An application from an officer for leave or extension, or commutation of leave on Medical Certificate, must be accompanied by a certificate from a *Medical Officer* specifying the nature of illness and the reasons why leave is indispensable.

272-A. *Medical Officers* are debarred from recommending grant of sick leave in any case in which there appears to be no reasonable prospects that the officer concerned will ever be fit to return to duty. In such a case, the opinion that the officer is permanently unfit for service under the State, should be recorded in the Medical Certificate.

CHAP. XXIII] PAYMENT OF LEAVE ALLOWANCES.

272—B. All certificates of the *Medical Officers* should contain proviso that no recommendation in them shall be evidence of a claim to any leave which may not be admissible to an officer under the terms of his contract or the rules to which he is subject.

SECTION II— GRANT OF LEAVE

GENERAL RULES

273. Leave may be granted with retrospective effect from the date on which it is admissible.

274. Leave other than casual granted to an officer must begin within 35 days of the date of its grant.

GAZETTED OFFICERS.

275. The authority granting leave to a Gazetted Officer must first obtain a report from the Accountant-General that the leave is admissible. If the leave is granted, the orders must be communicated to the Accountant-General and gazetted.

NON-GAZETTED OFFICERS

276. The Accountant-General is not required to submit any report on the title to leave of an applicant who is not a Gazetted Officer.

277. Deleted.

CHAPTER XXIII—Payment of Leave Allowances.

PLACE OF PAYMENT

278. Leave allowances are payable after the end of each calendar month; but an officer may, at his option, take payment by money order, in which case money order commission will be deducted from his allowance.

PAYMENT OF LEAVE ALLOWANCES. [CHAP. XXIII.]

279. Except in the Public Works and Forest Departments, a Gazetted Officer on leave may draw his allowance at any Treasury in the Government.

280. If a Gazetted Officer signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of the Government or some other well-known and trust-worthy person. If he draws his allowances through an authorised agent, the agent, whether he has or has not a Power of Attorney, must either furnish a life certificate as aforesaid or execute a bond to refund over payment. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life certificate.

Note 1.—In addition to the requirements of Articles 278 and 279, the allowance should be drawn on a proper bill (Treasury Forms No. 32, 33) supported by a last pay certificate in Treasury Form No. 3, 9,40 signed by the Treasury Officer who paid the last salary, and countersigned by the Accountant General.

Note 2.—Payment of leave allowance (other than privilege leave allowance) of a Gazetted Officer requires sanction of the Accountant General.

281. The proper stamp duty upon the bonds executed under the preceding Article is that chargeable upon the Indemnity Bonds according to the First Schedule of the Stamp Act in force in the State for the time being.

282. The leave allowances of a non-gazetted officer on leave can be drawn only at the treasury where his salary is paid, and under the signature of the Head of his office who is responsible for any over charges; no other security is required. The Head of the office must satisfy himself that the absentee is alive; and may remit the leave allowances at the expense of the recipient.

283. The following special departmental rules regulate the payment of the leave allowances of officers

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of the Public Works and Forest Department during absence on leave :--

- (a) The allowances of an officer or subordinate of the Public Works Department who is absent on leave and who is entitled to draw allowances during such absence, should be included monthly as they become due in the salary bill of the Division or office to which he is attached; provided that an assurance is obtained that the officer is alive.
- (b) If the absentee is attached to a Division, the Divisional Engineer or Forest officer of his Division, should remit the amount in cash or by money order to him on receipt of a life certificate signed by a responsible officer of the Government or some other well-known and trustworthy person.
- (c) If the absentee is attached to an office, the Head of the office should request the Divisional Engineer or Forest Officer, by whom the bills of the office are paid, to arrange for payment of the absentee's leave allowance under the preceding rules.

Note.—If a life certificate cannot be furnished, a bond executed by a recognised Bank, Agency, or Firm may be accepted, and the life certificate or bond should be submitted to the Accountant-General with the salary bills in usual course.

PART VII—PROCEDURE RELATING TO PENSIONS

CHAPTER XXIV—Application for and Grant of Pensions.

EXTENT OF APPLICATIONS

284. There is no limitation on the period after retirement within which an application for pension or gratuity must be made; but apart from special orders, a pension applied after the officer has retired, begins

APPLICATION FOR AND GRANT OF PENSIONS [CHAP. XXIV]

from the date of application. The object of this rule is to prevent unnecessary delay in the submission of applications for pensions. The rule may, however, be relaxed by the authority competent to sanction pension in special cases when the delay is sufficiently explained.

PRELIMINARY VERIFICATION

284-A. An applicant for *pension* should submit, at least six months before the actual time of his retirement, a statement of his service, showing the particulars required under Article 285, to his official superior who should secure the verification of services on the point mentioned in Article 289.

FORMAL APPLICATION.

285. An application for pension or gratuity should be made in the prescribed form showing all the particulars required by it. The appointments held during the period of service for which pension is claimed should be shown separately in the form and each change, either in rate of pay or on account of interruption, transfer, suspension, leave (other than privilege and casual leave) and joining time between two appointments, should be shown on a separate line with dates of beginning and ending of each period and remarks that may be necessary should be given in the remarks column. In the case of Non-Gazetted Officers, pension application should be accompanied by the Service Book of the applicant.

286. The *pension* application should be submitted by the applicant to the authority competent to sanction pension through his Official Superiors.

287. The authority competent to sanction pension will forward the application to the Accountant-General for verification of the service for which *pension* is claimed and for report of the amount and the class of pension admissible. He will also forward with application all papers required (see Article 288) in connection with the verification of service.

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REMARKS ON PENSION APPLICATIONS.

287-A. If an officer in superior service, whose age is less than 60 years, is required to retire under Article 226 or Article 227, the Head of his office must certify in the column for "Any other remarks" on the third page of the application for his pension, the cause of the applicant's *inefficiency* and quote the order of the Government or the Minister sanctioning the applicant's retirement as superannuated. If the officer wishes to retire of his own accord under Article 229, the fact should be stated.

288 (a) In the case of Non-Gazetted Officers, the Head of the office, and in the case of Gazetted Officers, the Minister-in-charge should certify on the pension application whether the character, conduct and past services of the applicant are such as to entitle him to favourable consideration of the Government.

(b) He must also invariably record his own opinion whether the service claimed has been established and should be admitted or not; especially in case any portion of the service claimed has been verified in accordance with clause (d) of Article 289.

289. The Accountant-General, in verifying the service, will observe the following procedure:—

- (a) If the service has been wholly or in part inferior (regarding which the records of the Accountant General's office are some times incomplete), he will see that the information has been gathered from official records and other sources available. In respect to superior service, he will verify it from his own office records from the beginning of the year 1949, and for service prior to that year, he will satisfy himself that it has been verified by the Provincial Commissioners either from the records of the old *Daftar-i-Dewani* or from Treasury Records.

APPLICATION FOR AND GRANT OF PENSIONS [CHAP. XXIV.

- (b) If there be any discrepancy, he will detail the nature of such discrepancy.
- (c) If the service claimed cannot be wholly verified from the records of the Accountant-General's office, the *Daftar-i-Dewani* or from the Treasury records, he will see whether reference was made to the Head of the office in which the applicant states that he served during the period in doubt.
- (d) If it be found impossible to verify the service otherwise, he will see that the personal affidavit of the applicant (*See Stamp Act*) has been recorded before a duly qualified person, and that such collateral evidence is collected as is procurable ; for instance, Certificates, *Irshads* and the testimony of contemporary servants. Such certificates or *Irshads*, etc., should be attached in original to the application and the claim for *pension* for service thus verified will be considered on its merits in each case.

Note.—The power to admit service verified under this clause may be exercised by all Subordinate authorities who are empowered to sanction pension under the rules.

- (e) If the application is for an Invalid pension and the applicant is less than 60 years old, whether the requisite medical certificate is attached to the application.
- (f) If an applicant for *pension* is no longer in *active service*, whether a last pay certificate prepared in Treasury Form No. 39, 40 or 55, 56 according to instructions laid down in Articles 45 and 46 of Financial Code is attached to the application or in case of applicant being on leave, the kind of leave with dates and duration is recorded.
- (g) The whole of the service claimed by the applicant need not be verified by the audit

office but only so much of it as is necessary to entitle him to the pension claimed.

SUBMISSION TO GOVERNMENT

290. After completing the verification as prescribed in the preceding Article, the Accountant-General will return the case with a detailed report and opinion to be laid before the sanctioning authority.

PREMATURE APPLICATIONS

291. (a) Ordinarily the *Government* will not pass orders on questions affecting the *pension* of an officer until he actually retires from service, because the premature discussion of such questions is inadvisable.

(b) Except under orders of the *Government*, the Accountant-General will as a rule, decline to advise upon any questions connected with the claim of an officer to *pension* until he absolutely retires or is about to retire.

(c) The verification, etc., of part services of the officer should, however, be secured at least 6 months before the actual time of retirement.

291-A. A pension which is certified by the Accountant-General may be sanctioned by the competent authority.

Note.—Note 1 to Article 236 (b) applies here also.

CHAPTER XXV—Payment of pension.

ANTICIPATORY PENSION

292. (a) When an officer retires before the necessary enquiries preliminary to the settlement of the amount of his pension can be completed, the Accountant-General may upon a declaration, in the form given below by the officer, sanction the immediate disbursement of the pension

PAYMENT OF PENSION

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to which after the most careful summary investigation that he can make without delay, he believes the officer likely to be entitled:—

“Declaration—Whereas the Accountant-General has consented provisionally to advance to me the sum of Rs. a month in anticipation of completion of the enquiries necessary to enable the Government to fix the amount of my pension; I hereby acknowledge that in accepting this advance, I fully understand that my pension is subject to revision on the completion of necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of pension to which I may be eventually found entitled”.

(b) If the Accountant General thinks it likely that the officer would be found entitled to a gratuity only, one-sixth of the amount of such probable gratuity may, upon a similar, declaration, be disbursed to him monthly until the amount is finally settled.

(c) The settlement of such provisional payment should be made so as to admit of their disbursement not later than three months after the officer has ceased to hold the post.

(d) If upon the completion of regular investigation, it be found that the pension thus similarly assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payments.

(e) To enable the Accountant-General to exercise the jurisdiction thus entrusted to him, the Head of the office or department from which the officer is removed should furnish to the Accountant-General as soon as possible after it becomes known to him that the officer must retire and without waiting for his actual retirement, the fullest information that can be obtained regarding

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PAYMENT OF PENSION

the officer's service without correspondence which must cause delay.

(f) This information is to be furnished in anticipation of regular investigation required by Article 289 which also should on no account be delayed until the officer has actually retired.

(g) All officers should bear in mind that delay in the payment of pension may involve pecuniary hardship and everything should be done to prevent or shorten to the utmost such delays.

PROCEDURE IN PAYING

292-A. On receipt of sanction to the grant of a pension or gratuity, the Accountant-General will issue a pay order in case of gratuity and a pension pay order in case of pension on the Government Treasury nearest the home of the pensioner or gratuitant.

292-B. The pension pay order will be issued in two halves, one-half of which will be kept by the Treasury Officer concerned and the other half will be made over by him to the pensioner after obtaining his signature on the Treasury Officer's half in his own presence.

292 C. The pensioner must present his half at the Treasury on each occasion he wishes to draw his pension, in order that a record of the payment may be made thereon in the space provided for the purpose on the back of the pension pay order.

292-D. No pension should be drawn (till the claimant appears) and placed in deposit on the ground of the absence of a payee or for any other reason.

293. (a) A pensioner is required to append to his bill a certificate as follows :—

- (i) I declare that I have not received any remuneration for serving in any capacity either under the State or under a Local Fund during the period

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for which the amount of pension claimed in this bill is due.

- (ii) I declare that I have not taken up or will not take up any contract or lease or any other profession which has anything to do with the department or departments of the State wherein I was serving prior to my retirement.

(b) In the case of a pensioner permitted to draw pension after re-employment, this Article should be modified in accordance with sanction.

PAYMENT TO AGENTS

294. A pensioner when claiming payment from the Treasury must either present himself at the Treasury to receive payment or, if he cannot do so owing to illness or infirmity, he may present his bill at the Treasury through an agent. In such a case he should attach to the bill a life certificate showing that he was alive on the date on which the payment claimed fell due. The certificate must be signed by a Magistrate, a Banker or other well-known person in Government employ. A life certificate cannot be accepted for more than six consecutive payments of pension without a special order of the Accountant-General.

295. Payment of pension can be made from a Government Treasury but pensioners residing in other parts of Indian Union can draw their pensions from treasuries outside the State.

TRANSFER OF PENSION FROM ONE STATE TREASURY
TO ANOTHER

296. The Accountant-General may, on application and on sufficient cause being shown, permit the transfer of a pension from one Government Treasury to another. Such application should be made by the pensioner to the Accountant-General through the Treasury Officer concerned. Both halves of the pay order should be forwarded by the Treasury Officer to the Accountant-General, in order that the pension pay order may be amended or a fresh

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PAYMENT OF PENSION

pay order be issued, if necessary, by the Accountant-General and the one submitted cancelled.

RENEWAL OF PENSION PAYMENT ORDER.

297. When the space provided on the reverse of a Pension Pay Order for recording the payments is filled up, or when the pensioner's half is torn or rendered useless, the Pension Payment Order may be renewed by the Treasury Officer without a reference to the Audit Office. The renewed Pension Payment order should bear the old number and date and Facsimile of Signature. The old pension payment order should be retained by the Treasury Officer.

298. When the pensioner's half is stated to have been lost, the Treasury Officer will renew the Pension Payment Order on a renewed fee of eight annas in each case which should be paid into the Treasury and the Treasury receipt should be attached to the application for renewal.

299. The Treasury Officer at the time of payment of a pension, will record the payment on the reverse of both halves of the order under his initials.

LAPSES AND FORFEITURE

300. If a pension remains undrawn for more than six months, the Treasury Officer must return his half of the Pension Pay Order to the Accountant-General and if the pensioner appears afterwards, the Treasury Officer should reclaim the Pension Payment Order and ask for orders of the Accountant-General to pay arrears.

301. The payment of arrears of pensions not claimed for over a year will require the sanction of the Accountant-General. A pension not claimed over two years will be held to have lapsed unless reasons are given to the satisfaction of the Accountant General for restoring it. In such cases, it will also have to be decided whether the arrears should be paid or not.

DEFINITIONS AND GENERAL RULES [CHAP. XXVI.]

ATTACHMENT OF PENSION BY PROCESS OF COURT

302. All pensions payable under these rules shall not be liable to seizure, attachment or sequestration by process of any Court in the Government at the instance of a creditor for any demand against the pensioner or in satisfaction of a decree or order of any such Court.

DECEASED PENSIONERS.

303. On the death of a pensioner, payment of any arrear actually due may be made to his heirs legally authorised to receive assets belonging to the estate of the deceased, up to and including the date of his death, on surrender of the pensioner's half of the Pension Pay Order which should be returned by the Treasury Officer together with his half to the Accountant General for cancellation, provided they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant-General.

303-A. But if the arrears do not exceed Rs. 100 and the case presents no peculiar features, the Accountant-General is empowered to pass the arrears on his own authority.

PART VIII—RULES RELATING TO TRAVELLING ALLOWANCES

CHAPTER XXVI—Definitions and General Rules.

SECTION I—PRINCIPLES OF CALCULATION

DEFINITIONS

304. Travelling allowance is given to an *officer* to cover the average actual travelling expenses incurred by him in travelling in the interests of Government service.

305. It is a fundamental principle that the allowance is not to be a source of profit and save as especially provided in these Regulations, no allowances are granted to meet the expenses of the families of officers accompanying them when travelling on duty.

It is also expected that officers when travelling on duty will be as economical in the matter of charges which have to be borne by the Government as they would be if travelling at their own expenses.

Note 1.—Except when an order implies a change of duties, the travelling allowance of an officer who is promoted or reverted with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified

Note 2.—Travelling allowance claims for tour journeys prior to 1996-97 will lapse to Government.

ROUTE FOR CALCULATION OF TRAVELLING ALLOWANCE.

306. (a) For this purpose, a journey between two stations shall be held to be performed by the *shortest* of two or more *practicable* routes or by the *cheapest* of such routes as may be equally short.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling.

(c) If an officer travels by a route which is not the shortest, but which is cheaper than the shortest, his travelling allowance is calculated by the route by which he makes the journey.

(d) The Government may for special reasons permit mileage allowance to be calculated on a route other than the shortest or cheapest, provided that a journey is actually performed by that route.

307. The point in a station at which a journey shall be held to commence or end shall be the chief *public office* or *building* in that station, or in the case

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of journeys on tour except at headquarters, the farthest point reached on inspection.

FREE MEANS OF LOCOMOTION.

308. (a) A Government servant who travels by a car or any other kind of conveyance which belongs to him or is hired by him, may draw full travelling allowance under the rules.

(b) When a Government servant travels by a car or any other kind of conveyance which does not belong to him and is not hired by him, he will only be entitled to draw daily allowance.

(c) When a Government servant who is supplied with means of conveyance without charge returns to his head-quarters on the same day, daily allowance, if admissible under rules, will be calculated as follows:—

- (i) If the absence from Headquarters exceeds 12 hours .. Full daily allowance
- (ii) If the absence from Headquarters does not exceed 12 hours but exceeds 6 hours .. Half daily allowance.
- (iii) If the absence from Head-quarters does not exceed 6 hours .. nil.

(d) For journeys made partly by his own or hired conveyance and partly by a conveyance which may be borrowed or provided at the expense of Government, a Local Fund authority or court of wards' estate, a Government servant may draw travelling allowance according to clauses (a) and (b) above for each kind of journey as a separate journey subject to the condition that the total allowance would not exceed the amount to which he would be entitled if the whole distance had been travelled in his own or hired car or conveyance.

Explanation.—A hired car would include a car borrowed by the officer but of which all the cost of propulsion is paid by him.

Exception 1.—The Chauffeur of a motor car supplied at the expense of Government when making a journey by road on the motor car in his charge may draw Travelling Allowance at full

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rates allowed under clause (b) of this rule if the journey involves an absence of at least one night from his head-quarters. For a journey which does not involve such an absence, no Travelling Allowance may be charged.

Exception 2.—An officer who is provided with State boats and boatmen may not charge any Traveling Allowance.

Exception 3.—The Traffic and the Assistant Traffic Inspectors of Police Department who are provided with State conveyances will get single mileage and two railway fares for journeys on transfer between places connected by road and between places connected by railway respectively.

308-A. When actual expenses are claimed under these Regulations or under any special orders of Government, they should be supported by details sufficient to indicate their nature and supporting vouchers as far as possible.

SECTION II—CLASSIFICATION OF OFFICERS.

GENERAL CLASSIFICATIONS.

309. *Officers* are divided into the following classes :—

- I. Advisers, President Legislative Assembly and Judges of High Court of Judicature.
- II. Officers drawing Rs. 750 or more.
- III. Officers drawing from Rs. 500 to Rs. 749.
- IV. Officers drawing from Rs. 300 to Rs. 499.
- V. Officers drawing from Rs. 200 to Rs. 299.
- VI. Officers drawing from Rs. 100 to Rs. 199.
- VII. Officers drawing from Rs. 50 to Rs. 99.
- VIII. All officers in superior service drawing less than Rs. 50.
- IX. Inferior servants.

DEFINITIONS AND GENERAL RULES [CHAP. XXVI]

309-A. All claims for travelling allowance should be based on the salary actually drawn by an officer at the time to which the claim relates, irrespective of the maximum rate of pay to which officers on progressive scale of pay may subsequently be entitled except as provided hereunder:—

Dr. M. R. Soni	...	...	...	II Class
An officer of Public Works Department in independent charge of a Division (so long as his salary is less than Rs. 500)	...	...	...	III Class
Chief Inspectress of Women's Education	..			III Class
Inspectress of Girls Schools..	...	...		IV Class
Non-official members of Pathshala Inspection Board				V Class
Coachmen drawing Rs. 10 or more	..	...		VIII Class
Jamadars of Game and Fish Preservation Department..				..
Tent Repairers of Reception Department	...			..

Note.—Non-Official members of the Text Book Committee may be paid travelling allowance and daily allowance as for officers drawing Rs. 750 or more.

309-B. Part-time, honorary or non-Government servants or those who are remunerated wholly or partly by fees work, rank for purposes of travelling allowance for Government duty performed under orders of competent authority in such grade, as the Government may with due regard to their status declare.

Note.—Retired Government servants rank for purpose of travelling allowance for journey undertaken in the interest of Government in such class as the competent authority may, with due regard to each individual case declare, provided that the class is not higher than the one to which such an officer belonged at the time of his retirement.

310. An officer during transfer from one appointment in one class to an appointment in another class is held to belong to the lower class.

TEMPORARY EMPLOYEES.

311. A person employed temporarily by competent authority is entitled to travelling allowance under the rules applicable to officers of corresponding rank with permanent appointments.

COMBINATION OF APPOINTMENTS.

312. An officer holding temporarily or permanently two separate appointments is entitled to the travelling allowance attached to one of the appointments to be elected only once.

313. An officer in charge of the current duties of an office in addition to his own duties under Article 85, is not entitled to the allowances attached to that office.

CHAPTER XXVII.—Mileage Allowances.

EXPLANATION.

313-A. The rules in this Chapter prescribe the method of calculating travelling allowances. Travelling allowances are regulated by (a) the class of an officer, (b) kind of travelling, (c) purpose of journey; but this Chapter treats of (a) and (b) only, therefore, the succeeding Chapters must also be referred to for a definition of the circumstances (journeys) under which the title to the allowance accrues.

SECTION I.—TRAVELLING BY RAILWAY.

314. Mileage allowance on journeys by rail would be admissible as under:—

I. Officers drawing Rs. 750/-
P. M. or more.

Air conditioned railway coaches fare plus 9 pies per mile of the journey.

MILEAGE ALLOWANCES

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- | | | |
|----|---|---|
| 2. | Officers drawing from Rs. 201/- to Rs. 749/- P. M. | $1\frac{1}{2}$ times first class railway fare. |
| 3. | Officers drawing up to Rs. 200/- P. M. in superior service. | $1\frac{1}{2}$ times second class railway fare. |
| 4. | Inferior servants. | $1\frac{1}{2}$ times 3rd class railway fare. |

Explanation.—The above rates will have effect from 1-4-1955 but the travelling allowance claims already paid will not be revised.

ORDINARY ALLOWANCE.

315. If a government servant whose salary is less than Rs. 200 actually travels by a train which does not provide the class of accommodation to which he is entitled under Article 314, he may be allowed to draw the mileage allowance of the next higher class, provided that the Controlling Officer attaches to his travelling allowance bill a certificate stating that it was necessary in the public interest for the officer to travel by that train. This concession does not apply to a government servant whose salary is less than Rs. 50 and who travels on a line which provides intermediate class accommodation on one or more of its trains, but not on the particular train by which he travels, if there be third class accommodation on that train. Such a government servant is restricted to mileage allowance calculated for intermediate class accommodation.

316. When through booking involves the payment, for part of a journey, of fares for a class higher than that to which the government servant concerned is entitled, he may draw mileage allowance based on the higher rates for that part of the journey.

SECTION II.— TRAVELLING BY ROAD.

DEFINITION

317. Travelling by road includes travelling by boat.

MILEAGE RATES.

318. For journeys by road, an officer is entitled to mileage allowance at the following rates:—

	Rs.	a.	p.
1. Advisers and Judges of High Court of Judicature ..	0	8	0
2. Officers drawing Rs. 750 or more ..	0	6	0
3. Officers drawing from Rs. 500 to Rs. 749 ..	0	5	0
4. Officers drawing from Rs. 300 to Rs. 499 ..	0	4	0
5. Officers drawing from Rs. 100 to Rs. 299 ..	0	3	0
6. Officers drawing from Rs. 50 to Rs. 99 ..	0	2	0
7. All officers in superior service drawing less than Rs. 50 per mensem, and inferior servants. ..	0	1	6

Note 1.—Government servants travelling by road between places connected by railway will be allowed mileage allowance at the ordinary rates, provided that the controlling officer, or in the case of Heads of Departments permitted to pass their own bills, the Minister-in-charge certifies that the journey was performed in the public interest. In the case, however, of such journeys starting from and ending at head-quarters on the same day, the rates of mileage allowances will be reduced to three-fourths of what would ordinarily be admissible.

Note 2.—When officers in superior service travel by motorcycle, they shall be entitled to claim mileage only at Rs. 0-1-6 per mile.

319. In calculating travelling allowance at mileage rates, fractions of a mile must be omitted from the total of each bill.

SPECIAL CONVEYANCE.

320. When an officer of a class lower than the third is required by a prior order of his superior officer to travel by any special means of conveyance the cost of which exceeds the allowance or conveyance admissible to such officer, the actual cost of transit by such means may be drawn in lieu of the allowance admissible, on a certificate that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary.

CHAPTER XXVII-A.

SECTION III.—JOURNEY BY AIR/JOURNEYS ON TOUR.

320-A. (a) *From Srinagar to Jammu and vice versa* : (a) An officer whose rank, when the journey is undertaken, is not below that of Class IV Officer (see Article 309), shall normally travel by air; but a competent authority may permit a journey by road in case where the officer has specific duties to perform in public interest at an intermediate point between the two cities, or when an officer cannot undertake journey to be undertaken immediately in public interest by air due to bad weather or non-availability of a seat in the plane or when an officer moves from one province to another as a recessing officer.

(b) In all other cases sanction of the competent authority is necessary. In according sanction the sanctioning authority must record a certificate that travel by air was permitted as the journey had to be urgently undertaken and that the extra expenditure involved was justified in the public interest.

Journey from Srinagar or Jammu to any other place in India and vice versa.

320-B (a) Officers entitled to travel first class by rail or whose travelling allowance by normal mode of convey-

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JOURNEY BY AIR

ance *i. e.* road and rail would be more than the air fare, shall normally travel by air.

(b) In all other cases permission of the Minister-in-charge who should record a certificate as in Article 320-A (b) above will be necessary.

OTHER JOURNEYS.

320-C. (a) An officer entitled to travel first class may travel by air;

(b) All other officers can travel by air only with the permission of the Government.

TRAVELLING ALLOWANCE.

320-D. (a) A Government servant authorised to travel by air on tour between Srinagar and Jammu and *vice versa* is entitled to the fare equivalent to one and one-third of the standard air fare and in case of other journeys, to an allowance equal to one and one-fourth of the fare. He will also be entitled to the reimbursement of insurance premium for a sum of Rs. 50,000 paid to Insurance Companies in case of all journeys by air.

(b) If return tickets are available and if the officer concerned expects to return by air, the travelling allowance admissible will be return fare plus two thirds or one-half of the standard fare, as the case may be.

(c) Ministers will get actual expenses for journeys by air and for halts outside the State and in respect of journeys within the State they can in addition take a servant if certified as necessary.

Note 1.—A certificate to the effect that the return ticket was not available or that the officer did not expect for reasons to be stated to return by air when buying the ticket for forward journey, should be recorded on the bill, in case separate fares are charged for forward and return journeys.

Note 2.—No additional allowance debitable to travelling allowance or contingencies shall be allowed under Article 320-B for journeys within 8 miles radius from the place of start to the air port and or from the air port to the place of destination.

TRAVELLING ALLOWANCES

[CHAP. XVIII]

CHAPTER XXVIII—Travelling allowance for journeys on tour.

SECTION I —GENERAL RULES.

TITLE TO ALLOWANCE.

321. An officer other than one of those referred to in Article 322 travelling on duty within the jurisdiction, of under proper authority beyond the circle of his ordinary jurisdiction is entitled to travelling allowance which may be either —

(a) a permanent monthly allowance under Articles 324 to 327 ;

(b) a conveyance allowance under Article 328 ;

(c) a daily allowance (Articles 329 to 335), but this may be exchanged for mileage or railway fare under Article 337, or actual travelling expenses under Articles 320 and 337-A.

321-A. Rules governing travelling allowance of Ministers for journeys on tour are sanctioned separately.

321-B. Rules governing travelling allowance of Deputy Ministers for journeys undertaken by them are sanctioned separately.

Note.—Carriage of tents (Article 324), if admissible to an officer or allowed by the Government, will be drawn in addition to (a) and (b).

322. The undermentioned officers whose pay has been fixed so as to compensate them for the cost of ordinary journeys within their respective jurisdictions, are not entitled to any travelling allowance for journeys performed within their respective jurisdictions or ranges ; but when proceeding under proper authority beyond their jurisdictions or ranges, they can draw travelling allowance under ordinary rules for the entire journey including such part thereof as lies within their jurisdiction.

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(1) All Police officers below the rank of Assistant Superintendent, excepting—

- (a) Inspectors who are allowed to draw annas 8 a day in addition to horse allowance ;
- (b) Deputy Inspectors of Kishtwar, Gool, Uttarmachipura, Bandipora, Ganderbal and Karnah when going to Padar, Marwa, Nandimarg, Gurez, Lolab, Sonamarg and Shardajee respectively, are allowed daily allowance of rupee one a day only for days of actual travelling and for journeys beyond 10 miles from the headquarters ;
- (c) Police Levies of Gilgit District who will get luggage allowance on their transfer on other journeys ;
- (d) Sub-Inspectors of Police who are allowed horse allowance in addition to travelling allowance for journeys performed by them beyond their jurisdiction.

(2) Deputy Commissioner's establishment, excepting—

(a) Saddar Qanungos who are allowed annas 6 per diem when out on tour in connection with girdawari work and annas 8 per diem when travelling in the hilly tracts noted below :—

- (i) Gilgit and Leh Districts,
- (ii) Karnah and Kishtwar Tehsils,
- (iii) Hilly and difficult mountain tracts only of Ramban Tehsil, Gulabgarh and Paddar Sub-Divisions,
- (iv) Gurez and Sonamarg.

(b) Establishment as per camp scale provided under Art. 322-A.

(c) Any member of Deputy Commissioner's office travelling on detached duty within the district jurisdiction under proper authority subject to bills for such journeys being countersigned by the Commissioner.

(3) Tehsil establishment, excepting—one moharrir who accompanies the Tehsildar or Naib-Tehsildar when on tour is allowed daily allowance under ordinary rules and in cases where the Deputy Commissioner certifies the necessity, one extra moharrir for the Tehsildar.

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(4) Settlement Field establishment.

(5) (a) In all circles, Foresters except those on special duty as well as those attached as Assistants to Range Officers, where work necessitates their keeping a pony who shall receive travelling allowance at ordinary rates for journeys performed within their jurisdiction, the allowance is subject to the condition that the Divisional Officer shall furnish a certificate on their travelling allowance bills to the effect that the Forester's duties were of a nature to require him to keep a pony and that a pony was in fact kept by him during the period to which the bill refers.

(b) Forest Guards in all circles.

(c) Watchers and malies of the Pyrethrum Division of the Forest Department.

Note. 1.—Grazing Girdawars are treated as foresters for purposes of travelling allowance.

Note 2.—Foresters working in the Research Division of the Working Plan Circle are exempt from keeping ponies. This shall have effect from 5th May, 1930/23rd Baisakh, 1987.

Note 3.—With effect from 11-9-1942/27-5-1999 the restriction regarding the production of a certificate of possessing a pony by Foresters before travelling allowance is granted to them is waived in the case of those employed on Working Plans work.

Note 4.—Girdawars in the Grazing, Regulations and Control Branch, like Foresters employed on the Working Plan and Research Work, be exempted from production of pony certificate.

Note 5.—Assistant Drug Supervisors and Jamadars of the Pyrethrum Division of the Forest Department are exempt from production of pony certificate. This order shall have effect from 1st Baisakh, 1998.

Note 6.—Girdawars and Surveyors of the Forest Department on demarcation work will be exempt from the restrictions regarding travelling allowance within respective jurisdictions or ranges and will be entitled to travelling allowance admissible under rules. This has effect from 25-11-1955.

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- (6) Process-servers and Patwaries.
- (7) Public Works Department's petty establishment engaged for service on surveys and Surveyors.
- (8) Assistant Inspectors of Excise are allowed horse allowance for journey within their range and are allowed travelling allowance in addition when travelling on tour beyond their range.

Note 1.—Officers who get daily allowance under the above rule get daily allowance only whether journey exceeds 20 miles a day or not, provided they travel more than 8 miles from the headquarters.

Note 2.—The members of Police or Revenue Departments attached to Anantnag District will draw ordinary travelling allowance when proceeding on duty beyond Pahalgam with Sri Amarnathji pilgrimage.

- (9) (a) A Girdawar of Farms Department is allowed -/6/- per diem as daily allowance for the journeys performed by him in the Districts of Jammu and Srinagar excepting Rakhs Baniyari, Brah, Khundru and Bandipur where he is allowed to draw mileage.
- (b) When he is detailed in the Districts other than those of Srinagar or Jammu he will get travelling allowance.
- (10) (a) Shajra-kashes of Farms Department may be allowed -/4/- per diem as daily allowance for the journeys performed by them in the Districts of Jammu and Srinagar beyond 10 miles from their headquarters and ordinary mileage allowance for journeys to Baniyari, Brah, Khundru and Bandipur.
- (b) When they are detailed in the Districts other than those of Srinagar and Jammu, they will get travelling allowance admissible to an officer of Class VIII.

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322-A. The following Camp scale is fixed for touring officers: —

- | | | | |
|-----|--|---|---|
| (1) | Hheads of Departments
with jurisdiction in
both provinces. | { | (i) One Head Clerk.
(ii) One Stenographer.
(iii) Three orderlies. |
|-----|--|---|---|

Exception.—One additional clerk of any grade is permitted in the case of officers who have to make prolonged halts to hear appeals, etc., like the Inspector General Excise/Excise and Taxation Commissioner etc.

- | | | | |
|-----|--------------------------------|---|--|
| (2) | Provincial Heads of
offices | { | (i) One clerk of any
grade and in addition
one stenographer
(wherever these
are provided) if ne-
cessary in the inter-
est of Government
work.
(ii) One orderly. |
|-----|--------------------------------|---|--|

- | | | | |
|-----|------------------------------------|---|----------------|
| (3) | District or Divisional
officers | { | Same as above. |
|-----|------------------------------------|---|----------------|

Exception 1.—Supervisors and Overseers of Public Works Department holding independent charge of Sub-divisions are classed under this category for the purpose.

Exception 2.—Deputy Commissioner Ladakh can take one additional orderly on his tours.

Exception 3.—The Assistant Registrars of Co-operative Department are permitted to take one clerk and one orderly.

- (4) Other Gazetted officers—One orderly.

Exception 1.—One clerk also is permitted in the case of Gazetted Officers of Judicial and Revenue Departments and Range Officers, Grazing Inspectors and Kuth Supervisors of Forest Department, when they go out to hear cases on spot.

Exception 2.—In other cases, a clerk can accompany with the special sanction of the Head of the Department (Class I) which, however, shall happen in really exceptional cases.

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(5) Non-Gazetted touring officers ..

{ Naib Tehsildars, Mulberry Assistants, Co-operative Inspectors, Veterinary Assistants, Police Inspectors and Game Inspectors are included in this category. Other touring officers also can be included in this category with the sanction, general or special, of the Head of the Department of Class I in each case.

Relaxation. A competent authority may relax the above rule in individual cases for special occasions when the ordinary camp scale fixed is considered inadequate for the special kind of work the officer has to undertake on particular tour or tours.

Note 1.—The camp scale fixed above indicates the maximum limit. Touring officers are, however, free to take with them officials of lower ranks or use even a smaller scale according to the nature of tour and amount of work to be done on a particular occasion.

Note 2.—Personal orderlies drawn from regular ranks such as Head Constables and Foot Constables attached to Gazetted officers and Inspectors of the Police Department can be substituted in whole or in part for the menial strength fixed as above.

Note 3.—Officers who have *Farashes* also sanctioned for their offices and who are to go out for long tours with necessary camp equipage can take them in addition to the menial strength fixed for them.

Note 4.—The above rule does not apply to officers who are not ordinary touring officers. They can, whenever deputed for some special Government work, take the minimum establishment required for the performance of such duty, for instance, Audit Officer of Excise Revenue Audit who has to take the minimum number of clerks required to complete checking at an Excise post within the shortest time possible.

Note 5.—The camp scale fixed above is for purely ordinary and normal tours. It does not include journeys undertaken for special and detached duties, for instance, journeys made by the staff of the Sericulture and Mulberry Culture Departments in connection with annual seed distribution or supervision of rearing operations or by the cashier

TRAVELLING ALLOWANCES [CHAP. XXVIII.]

of the Public Works Department going to out stations for making disbursements to the daily labour, etc. or by the gazetted staff of the Medical Department when making visits to rural areas, etc. for which accompanying of technical staff such as Compounders, Nurses, Surgical Assistant, etc. is necessary. In such cases minimum number of executive, ministerial and menial staff required may be taken along.

TENTS AND TENTAGE ALLOWANCE.

323. No tentage allowance is ordinarily granted as tents are purchased by the Departments which use them and charges for carriage of tents so provided can be drawn on contingent bills, but the following rules apply to such drawals:—

- (a) when Government tents are used only for office purposes by any officer on tour, they should be carried at government expense ;
- (b) when they are used partly for office and partly for private purposes, the officer so using them must pay half the cost of carriage ;
- (c) when they are used wholly for private purposes the officer so using them must pay the whole cost of their carriage.

Note 1.—This rule is intended for journeys on tour only and does not apply to inferior servants

Note 2.—A certificate should be furnished in support of charges under this rule.

SECTION II.—PERMANENT ALLOWANCE.

CONDITION OF GRANT.

324. A permanent monthly travelling allowance is granted in lieu of all other travelling allowances except carriage of tents used only for office purposes (*see Article 323 (a)*) for journeys within an officer's circle of duty, and is drawn all the year round, whether the officer entitled to it is at the time absent from his headquarters or not. An officer drawing this allowance must submit a monthly journal to the Head of his Department.

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CONDITIONS UNDER WHICH EXCHANGEABLE.

325. An officer in receipt of a permanent monthly allowance may, when proceeding under proper authority beyond his jurisdiction, exchange his permanent allowance for the entire journey including such part of it as is within his jurisdiction, for the allowances admissible under Articles 321, 322 and 337 (journeys on tour), the daily allowance being taken to be one-thirtieth of the permanent monthly allowance.

NOT DRAWN DURING LEAVE, ETC.

326. A permanent monthly allowance cannot be drawn during absence on leave of any description or joining time between appointments. Leave of any description obtained by an officer drawing fixed travelling allowance must be reported to the Accountant-General.

Note.—The T. A. bills of Ministers will be exempt from the operation of this rule with effect from 1-1-2007.

327. Officers in receipt of permanent monthly allowance should deduct from their bills the value of the fares for any journeys for which they have used a free Government conveyance (see also Article 308) and the allowances are not admissible for any period during which the officer is entertained as guest of the Government.

SECTION III—CONVEYANCE OF HORSE ALLOWANCE.

328. Conveyance allowance not exceeding the amount shown in each case may be granted to a Government servant specified therein. (*see also Article 328-A*).

Note 1.—A certificate must be furnished every month by the officer drawing the conveyance allowance that the conveyance for which the conveyance allowance is given or a hired one has been maintained throughout the month. Whether the conveyance is owned or hired by him is immaterial.

Note 2.—Horse allowance may be drawn in full during privilege leave by a Police Inspector, Sub-Inspector or a mounted Head-Constable, provided no extra cost is thereby involved on the Government. During long leave, only half the rate of horse allowance may be drawn by a mounted Head-Constable and Constables

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except on leave without pay when he will get no horse allowance at all.

Note 3.—Assistant Inspectors of Excise Department in charge of ranges are also permitted to draw horse allowance during privilege leave.

Note 4.—The concession allowed to the Police and Excise Officials under notes 2 and 3 above is also extended to the Kuth Officials.

Note 5.—Police Inspectors officiating as Assistant Superintendents of Police may continue to draw Horse allowance in addition to ordinary T. A. for a maximum period of four months at one time, provided they continue to maintain a horse for this period. No horse allowance in addition to T A. can, however, be drawn after the expiry of this period.

Exception.—This Article shall not apply in the case of Assistant Inspectors of Excise and Sub-Inspectors of Police [(See Article 322 (1) (c) and (d)].

328-A. The general principles governing the grant of conveyance allowance and the rates of allowances for the maintenance of different kinds of conveyances are—

(a) Conveyance allowance should be given only when a large amount of travelling has to be done within 8 miles radius.

(b) Conveyance allowance may be of the following kinds :—

- (i) Car allowance.
- (ii) Petrol allowance to Police Traffic Officers.
- (iii) Tonga allowance.
- (iv) Horse allowance.
- (v) Cycle allowance.

(c) Rates of allowances for the maintenance of different kinds of conveyances are as under:—

- (i) Car allowance ... Rs. 50 p. m. in Srinagar and Rs. 45 p. m. in Jammu.
- (ii) Tonga allowance ... Rs. 30 p. m. in Srinagar and Jammu, and Rs. 25 in Muffasil.

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(iii) Police horse allowance ... Rs. 25 p. m. in Srinagar and Jammu, and Rs. 20 in Muffasil.

(iv) Other horse allowances ... Rs. 20 p. m. in Srinagar and Jammu, and Rs. 15 in Muffasil and to Assistant Inspectors of Excise detailed on special patrolling duty at the borders.

(v) Cycle allowance ... Rs. 5 p. m.

(d) The officer for whom conveyance allowance is claimed should be allocated to one of the categories specified in (b) above, from the necessity of the case. The allowance should be attached to the post and not to the incumbent.

(e) The approximate average mileage on Government duty should be determined in cases of car allowance. This allowance should be based on a rough estimate of the actual cost of maintenance but expressed in round figures. This should include oil, tyres and tubes and proportionate depreciation.

SECTION IV—DAILY ALLOWANCES—CONDITIONS.

CONDITIONS OF GRANT

329. A daily allowance is intended to cover the ordinary daily charges of an officer on tour; it is drawn only during absence from headquarters on duty including the period of halts on duty; or on an authorised holiday during such absence.

Note.—Note 2 to Article 106 applies here also.

330 Excepting the inferior servants, daily allowance is inadmissible for a day for which actual travelling expenses or any other kind of travelling allowance is drawn.

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331. No travelling allowance other than a permanent monthly allowance is admissible for any day on which an officer does not reach a distance exceeding 8 miles from the headquarters, or return thereto from a distance exceeding 8 miles.

Exception.—When a non-gazetted or inferior government servant is despatched on duty to a place at some distance from his office or is summoned to his office by a special order of the Head of the office within or outside the hours of duty, the expenditure involved, as tonga charges may be paid by the Government and charged to contingencies, provided that—

- (i) the Head of the office certifies that the expenditure was actually incurred, was unavoidable and is within the scheduled scale of charges for the conveyance used ; and
- (ii) the Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey and that he is not granted any compensatory leave and does not or will not otherwise receive any special remuneration for the performance of the duty which necessitated the journey.

HALTS DURING TOUR

332. A daily allowance may not be drawn for more than ten days of halt at one place. The competent authority may exempt any officer from the operation of this rule in special cases in which it is satisfied that the prolonged halt was necessary in the interest of public service ; and

- (a) that it was necessary to maintain *camp equipage*, or
- (b) that the officer was put to extra expense by his halt after the first ten days.

Note. 1.—Employees of the Archaeological Department, Non-Gazetted Officers of the Mineral Survey Department, Forest Department Officers, Non-Gazetted Local Audit Staff of Accountant-General's Office and all inferior servants are exempted from the operation of this rule.

Note. 2.—Assistant Surgeons may be granted an allowance of Rs. 1-8-0 per diem in addition to pay for the period (not exceeding

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3 months) during which they stay at the College to undergo Post-graduate Course.

333. An officer who remains more than ten days halted at a place may, after he ceases to draw the daily allowance, draw travelling allowance under the ordinary rules for any journey made on one day from and to the halting place, if he reaches a point more than eight miles distance from it. A halt is not interrupted for the purpose of these rules by an absence on duty from the place of halting for less than three nights.

HEAD-QUARTERS.

334. The Government may determine, in case of doubt what are the headquarters of any officer serving under it (*See Article 20*).

SECTION V—DAILY ALLOWANCES—RATES.

335. Daily allowance is given at the following rates :—

				Rs.	a.	p.
1.	Prime Minister	..	..	12	0	0
2.	Ministers, Advisers and Judges of the High Court of Judicature	..	..	9	0	0
3.	Deputy Ministers	...	..	7	0	0
4.	Officers other than Ministers drawing Rs. 750 or more	..	..	5	0	0
5.	Officers drawing from Rs. 500 to 749	..	...	4	0	0
6.	Officers drawing from Rs. 300 to 499	...	...	3	0	0
7.	Officers drawing from Rs. 100 to 299	...	...	1	8	0
8.	Officers drawing from Rs. 50 to 99	...	...	1	0	0
9.	All officers in superior service drawing less than Rs. 50, and inferior servants	..	...	0	12	0

Note 1—Halting allowance is inadmissible to work-charge establishment.

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Exception 1.—The temporary establishment of the Forest Department charged to Head-A “Conservancy and works” be exempted from the operation of Note 1 to this Article.

Exception 2.—The work-charge employees of the Kishtwar Irrigation Division created under C.O. No. 1404-C of 1950 dated 4-12-1950 be exempted from the operation of Note 1 above.

Note 2—All officers will when halting on duty in the principal towns outside the State, draw an increase of 75 per cent. over and above the rates. For the purpose of this rule, the principal towns are Bombay, Calcutta, Madras, Delhi, Simla, Amritsar, Pathankote, Allahabad, Lucknow, Patna, Nagpur, Cuttock, Shillong, Ahmadabad, Visakhapatan, Benaras, Aligarh, Cochin, Trivendrum, Hyderabad, Baroda, Jaipur, Bangalore, Poona, Agra, Kanpur, Ambala, Jullender, Dehra Dun, Chandigarh and such other towns as may, from time to time, be declared to be the principal towns.

Note 3—A government servant who while on tour in India is allowed free board and lodging at the expense of the Government or the State visited, is entitled to draw only $\frac{1}{2}$ the daily allowance ordinarily admissible to him at the station concerned.

MILITARY OFFICERS

336. Deleted.

SECTION VI.—MILEAGE IN LIEU OF DAILY ALLOWANCE

WHEN DAILY ALLOWANCE IS EXCHANGEABLE.

337. An officer may, for any day, draw in lieu of his daily allowance provided journey by road has been performed beyond a radius of 15 miles—

(a) if he travels by railway, the allowance admissible under Articles 314 to 316 ;

(b) if he travels in one day more than 20 miles by road, the allowance admissible under Articles 317 to 320.

(c) Subject to any condition which a competent authority may by general or special order impose, a non-gazetted ministerial or inferior government servant may for any day on which he travels by public or hired conveyance under a

certificate from the Head of his office that he is required to do so, draw mileage allowance instead of daily allowance.

Note 1.—A non-gazetted ministerial officer drawing less than Rs. 50 per mensem or an inferior government servant accompanying a Gazetted Officer on tour and travelling more than 8 miles a day in hilly areas where no vehicular traffic is possible, may draw mileage allowance instead of daily allowance even though the journey may be within 15 miles' radius, provided the Head of his office certifies that the official concerned was required to engage a pony or ponies or a mazdoor or mazdoors for himself and his luggage for the journey so performed.

Note 2.—A Non-Gazetted Executive Officer drawing less than Rs. 50 per mensem when accompanying a Gazetted Officer on tour and travelling more than 20 miles a day in hilly areas where no vehicular traffic is possible may draw mileage allowance instead of daily allowance even though the journey may be within 15 miles radius, provided the Head of his office certifies that he was required to engage a pony or ponies or a mazdoor or mazdoors for himself and his luggage for the journey so performed. This will have effect from 8th March, 1934/25th Phagan, 1990 *vide* Prime Minister's endorsement No. 684 dated 8th March, 1934.

(d) If he travels partly by road and partly by rail—

(i) in respect of railway journey, the allowance admissible under Articles 314 to 316 ;

(ii) in respect of road journey, the allowance admissible under Articles 317 to 320, provided the conditions of clause (b) of this Article are fulfilled, otherwise mileage allowance limited to daily allowance, if the road journey on the same day exceeds 8 miles.

Note—The Ministers and other Government servants who charge only daily allowance and actual cost of propulsion of Government conveyance placed at their disposal are entitled to charge in their travelling allowance bills, the rent actually paid by them under the rules relating to occupation by travellers of Dak Bungalows and Rest Houses, etc., in the State.

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SECTION VII.—ACTUAL EXPENSES IN LIEU OF TRAVELLING ALLOWANCE AND HALTING ALLOWANCE.

337-A—An officer may with the sanction of the competent authority draw in lieu of the allowance admissible for journeys to places outside the State and halts at such places, actual expenses. Such expenses will, besides actual travelling expenses as defined in Article 8 of these Regulations include also charges for board and lodging subject to the production of vouchers in support of his claim. Bills in which actual expenses are claimed shall always require preaudit by the Accountant General.

Note 1.—Actual expenses can be allowed only if the amount admissible otherwise is inadequate and falls short of the additional expenditure to which the officer is put by his stay outside the State. Such authority, however is not bound to accept the full amount claimed as actual expenses and is expected to scrutinize each claim on its merits keeping in view the status of the officer, the place visited and the exceptional circumstances which necessitated the claims for actual expenses in lieu of the travelling allowance and pass only such claims as may be reasonable.

Note 2.—Actual travelling expenses include also charges on account of tip money paid to servants.

CHAPTER XXIX—Other Journeys.

SECTION I—JOINING FIRST APPOINTMENT.

338. Travelling allowance is not ordinarily granted to any person for journeys to join a first appointment in Government service, but when it is specially provided or agreed upon beforehand by the Minister concerned in the case of non-gazetted officers and by the Government in other cases in the interests of Government work, travelling allowance may be given under the Rules for journeys on tour classing the officer under Article 309 as if he had already joined such appointment.

Exception—See Article 341.

SECTION II—JOURNEYS ON TRANSFER

GENERAL RULES.

339. In the case of all journeys on transfer, an officer is entitled to traveling allowance at double the ordinary rates prescribed, if he is transferred for the public convenience and not at his own request or in consequence of misconduct, and if he is entitled to *pay* during the time occupied in such journey.

Note 1—Article 104-A applies here also.

Note 2—Constables of the Police Department may be allowed double mileage only if transferred from a Police station in one District to a Police station in another District, and double daily allowance when they are transferred from one Police station to another in the same District.

339-A. A Government servant who travels by air on transfer is entitled to draw the travelling allowance which would have been admissible had the journey or journeys been performed by the normal mode of conveyance, *viz.* by road or rail.

TRANSFER NOT ON PUBLIC GROUNDS.

340. When an officer is transferred otherwise than for public convenience, a copy of the order of transfer shall be sent to the Accountant-General. In the absence of such information, the Accountant-General, shall assume that the officer has been transferred for public convenience.

EXCEPTIONS.

341. Treasurers transferred from one station to another under orders of the General Treasurer are not entitled to any travelling allowance from the Government Treasury, but they will get travelling allowance for their *first* appointment in a Frontier District.

Note.—Treasurers transferred from one place to another in Government interest are entitled to travelling allowance. Their travelling allowance bills will be countersigned by the General Treasurer.

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342. Deleted.

343. Deleted.

344. Deleted.

345. Deleted.

346. Deleted.

APPOINTMENT CHANGED IN TRANSIT.

347. An officer whose appointment is changed while in transit from one appointment to another, is entitled to travelling allowance from his old station to the place (on the route to the first station to which he was proceeding) at which he receives his further orders, and thence to his new station.

WHEN LEAVE INTERVENES.

348. An officer who is transferred from one station to another, is entitled to travelling allowance from his old station to his new station even though leave not exceeding four months intervenes.

349. The travelling allowance of an officer who receives orders of transfer during his privilege leave, will be calculated from his old station, or from the place where he receives the orders of transfer whichever calculation will entitle him to the lesser travelling allowance.

INFERIOR SERVANTS.

350. Save as provided in Article 351, an officer in inferior service may not draw travelling allowance for a journey on transfer *except* under *special orders* of the authority next above that competent to make the transfer.

351. The following inferior officers may be granted travelling allowance for journeys on transfer:—

(a) inferior officers of the Police Department;

(b) inferior officers of Revenue and Excise Departments.

SECTION III—JOURNEY TO HILL STATIONS.

Travelling Allowance Rules for Special Localities.

352. For journeys performed elsewhere than on the roads mentioned in Schedule VII, the mileage and daily allowances may be drawn by officers of classes IV to IX at the rates as prescribed above with an addition of 25 per cent.

This concession will be applicable to Gilgit District also.

SECTION IV—JOURNEYS TO ATTEND EXAMINATION.

DEPARTMENTAL EXAMINATION.

353. An officer is entitled to travelling allowance twice but not more than twice for each standard, for journeys to and from consequent on attendance at an obligatory Departmental Examination.

Note.—The Government may extend the provisions of this Article to any Departmental Examination even though it is not obligatory.

354. If a candidate appears to have culpably neglected the duty of preparing himself for an obligatory examination during the period available for the purpose, the controlling officer may disallow the travelling allowance to which he would otherwise have been entitled under Article 353.

355. The selected candidate for training in India will be allowed travelling allowance for all journeys at ordinary tour rates as admissible under these Regulations reckoned on his pay, if already in Government service and on his stipend if a non-official. In making out claims for travelling allowance the stipendiaries will be guided by the general rules in these Regulations and their claims will be subject to other restrictions embodied in these rules.

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355-A. Government servants eligible to the benefits of the Government Insurance Fund may, provided their pay does not exceed Rs. 50 per mensem draw actual travelling allowance for journeys undertaken in connection with their medical examination for admission to the State Insurance Fund subject to the conditions that—

- (a) a proposer who has been passed by the Medical Officer actually takes out a policy within the period prescribed by the rules of the fund; and
- (b) that a proposer who has taken out a policy pays the premium on it for a period not less than twelve months. The travelling allowance will be charged to the Department concerned.

SECTION V—JOURNEYS OCCASIONED BY LEAVE OR RETIREMENT.

356. Save as otherwise provided, an officer is not entitled to travelling allowance for a journey—

- (i) when proceeding on leave ;
- (ii) on rejoining from leave ;
- (iii) during leave of any kind ; or
- (iv) on retirement or dismissal from Government service.

*Exception :—*Government officials not belonging to the districts of their employment serving in the frontier Districts of Gilgit and Ladakh are entitled (when they avail themselves of leave), to travelling allowance for the journey from the station at which they are serving, to Srinagar or to the place at which they actually spend their leave, whichever is less, and also for the return journey, provided that no officer may avail himself of this concession more than once in three years.

RECALL FROM LEAVE.

357. An officer recalled to duty before the expiry of leave is entitled, if return to duty is compulsory and if the leave is curtailed by one month or more, to travelling allowance for the journey from the place at which the order of recall reaches him. If the amount of the leave curtailed is less than one month, the foregoing privileges may be given or withheld at the discretion of the authority recalling the officer.

SECTION VI—JOURNEYS TO ATTEND COURTS.

TO GIVE EVIDENCE.

358. (a) The Minister-in-charge may sanction travelling allowance in case in which a Government servant is compelled to defend himself in a criminal or civil case brought against him arising out of acts done by him in the discharge of his official duties and in which the Government has decided to undertake his defence at public expense, provided the officer concerned is honourably acquitted of charge brought against him.

(b) An officer summoned to give evidence of facts which have come to his knowledge or of matters with which he has had to deal in his official capacity—

- (i) in criminal cases cognizable by Police, or
- (ii) in civil cases to which the Government is a party, or
- (iii) in a departmental enquiry held by a properly constituted authority under the Government,

may draw travelling allowance under the Rules for journeys on tour; provided that he must obtain from the Court concerned a certificate to the above effect.

Note 1.—A Police officer is granted no allowance by the Court but is given a certificate of attendance.

Note 2.—State Police officers whenever attending Courts out side the State on official duty in connection with prosecution of cases, etc., will be paid travelling allowance from the State.

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Note 3.—An officer on leave summoned to give evidence of the kind contemplated in this Article is entitled to travelling allowance under this Article from and to the place from which he is summoned as if he were on duty.

359. (a) An officer summoned to give evidence under other circumstances is not entitled, by reason of his being an officer of the Government, to any allowance other than that admissible by the Rules of the Court.

(b) But if the Court pays him any sum by way of subsistence allowance or compensation apart from any allowance for travelling expenses, he must repay that amount to the Government before drawing full pay for the day or days of absence.

Note.—Grant of travelling allowance under this rule is subject to the submission by the officer concerned of certificate of attendance given by the Court or authority which summoned him.

SECTION VII—JOURNEYS ON OTHER OCCASIONS.

TO ATTEND PASTEUR INSTITUTE.

360. The rules relating to travelling allowance concessions to officials bitten by rabid animals and who proceed for treatment to the Pasteur Institute are given in Appendix IX of the Financial Code.

360-A. Halting allowance will not be admissible to Government servants deputed to accompany students appearing at the various centres of Matriculation and School Leaving Certificate Examinations within the Government territories for the days for which they receive invigilation fee from the Jammu and Kashmir University.

TRAVELLING ALLOWANCE TO NON-OFFICIAL MEMBERS OF THE JAMMU AND KASHMIR CONSTITUENT ASSEMBLY.

Rules governing Allowances to the Members of the Jammu and Kashmir Constituent Assembly Legislative Assembly

360-B. (1) The members of the Assembly will be entitled to the following rates of travelling allowance and daily allowance in respect of their

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OTHER JOURNEYS

journeys to attend a Session of the Assembly or for transacting any other business connected with their duties as such members :—

(a) *Journey by road*.—Road mileage at the rate of annas six per mile between the place of usual residence of a member and the place where the Assembly meets or such other business is conducted, provided the journey is not within a radius of 8 miles of the place where the Assembly meets or such other business is transacted.

(b) *Journey by air*.—A member who performs the journey by air—

(i) between Srinagar and Jammu and *vice versa* may draw travelling allowance at $1\frac{1}{3}$ times the fare for air journey,

(ii) from any place within the State from where he is deputed to any place outside the State may draw travelling allowance equivalent to one and one fourth of the standard air fare.

(c) *Journey by rail*—one and one-half of the railway fare of the first class.

(2) In calculating mileage allowance for journey by road, fractions of a mile shall be omitted from the total of a bill for any journey but not from the various items which make up the bill.

(3) *Daily allowance*.—A consolidated daily allowance of rupees ten per diem each day of residence at the place where the Assembly meets or the other business is transacted until the close of the Session or the completion of the other business including residence not exceeding one day before the commencement of the Session and after its close, provided he

OTHER JOURNEYS

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attends all meetings of the Assembly during the Session or in case of absence from any meeting, has explained such absence to the satisfaction of the President, provided further that where such absence has been explained to the satisfaction of the President, allowance shall be drawn at the following rates :—

(a) for the first 6 days of absence in a Session, full rates ;

(b) for a further 12 days of absence in a Session, half rates ;

(c) for days of absence in excess of eighteen in a Session, no allowance.

(4) When there is an interval of not more than a week between the termination of the meetings of the Session or a Committee and the commencement of those of another Session or Committee at the same place both of which a member is required to attend and when such a member remains at the place during the interval, he will be entitled to draw daily allowance for such period of residence or draw travelling allowance for going to and coming back from his usual place of residence, whichever is less.

(5) The allowance for non-members elected or nominated to Committees set up by the Assembly shall be the same as for the members of the Assembly.

(6) A member who claims any travelling or daily allowance under these rules shall support his claim by recording a certificate on the concerned bill in the following form :—

“Certified that no amount has been claimed for this journey period in the bill drawn from any other source or previously”.

(7) Bills shall be prepared in duplicate on printed form to be obtained from the office of the Assembly Secretary, and be returned to him duly filled in and signed and one of the copies being

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OTHER JOURNEYS

stamped and receipted. The hours of departure and arrival shall be noted in the column for the purpose. The entries in the bill shall be completed, the dates of journey including the return journey to be claimed shall be entered and the total claim shall be entered in the figures as well as in words.

(8) Such bills of the members will be paid before audit after preliminary check by the office of the Assembly Secretary, and be countersigned by the President endorsed in the name of Officer of the Treasury at which the member desires to receive payment and such Treasury Officer shall arrange the payment thereof forthwith to the concerned member or to any other person authorised by the member in this behalf.

(9) Notwithstanding anything contained in these rules, no Minister or Deputy Minister shall be entitled to any travelling or daily allowance under these rules. A Parliamentary Secretary shall not be entitled to any daily allowance under these rules.

(10) Immediately after the close of the Session all the travelling allowance bills of the members will be postaudited and objections, if any, shall be intimated to the member by the audit not later than three months from the date of the encashment of the bill.

(11) In case of disputes regarding interpretation of these rules by the audit, the ruling of the President shall be final and binding on the audit.

350-C. The Chief Parliamentary Secretary and Parliamentary Secretaries shall be allowed the same travelling allowance and daily allowance as are admissible under these Regulation to officers specified in Class II of Article 309. They will not be entitled to any daily allowance during the sittings of the Assembly or any of its Committees. They are classed as moving officers.

JOURNEYS TO ATTEND TECHNICAL CONFERENCES
AND DEPARTMENTAL MEETINGS IN INDIA, ETC.

360-D. A competent authority may permit officers as also clerks accompanying them in exceptional cases

OTHER JOURNEYS.

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to attend **technical conferences and Departmental meetings in India, provided such visits are in the interest of the Department and the Finance Department has no objection.**

360-E. A competent authority may give permission to professors and teachers to accompany teams and allow them travelling allowance as admissible under rules.

Exception—No travelling allowance will be allowed for participation in scientific conferences mentioned in sub-clause (e) under Article 133.

JOURNEYS OUTSIDE INDIA.

360-F. (a) Travelling allowance for journeys outside India is paid in accordance with the orders of Government in each case which will specify the class of accommodation by steamer and rail.

(b) If in the case of journeys by steamer the orders do not specify the line, the officer will be deemed to have sailed by any line except the P. & O.

(c) Bills for journeys will be prepared on the travelling allowance bill form with necessary particulars. For steamer journeys the receipt of letters from the Shipping Company or the Agents, stating the amount of the fare paid will be attached to the bill. For railway journeys the officer will give a certificate as to the actual amount paid.

(d) A daily allowance may be sanctioned to cover board and lodging and other sundry charges; otherwise Article 308-A will apply to those charges.

(e) As far as possible a flat rate will be sanctioned for miscellaneous expenses when actual expenses are sanctioned for board and lodging.

(f) Contingent expenditure, if any, will be claimed in an ordinary contingent bill.

T. A. TO NON-OFFICIAL MEMBERS OF COMMITTEES
CONSTITUTED BY GOVERNMENT.

360-G. Except in the case of attendance at Sub-Committees of the Assembly, the Assembly members

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and other non-official members of the Board of Industries and similar other Boards or Committees will be allowed daily allowance and mileage at Rs. 10/- per day and annas -/6/- per mile respectively. Such other members would be paid according to Class IV under Article 309 of these Regulations if railway journeys are under taken. These orders shall apply in all cases other than those in which the Government have already made special orders. But for journeys between places connected by air service, travelling allowance will be regulated in accordance with Article 320-D.

CHAPTER XXX—Special Rules for Annual Move of Government.

JOURNEYS BETWEEN JAMMU AND SRINAGAR.

GENERAL RULES.

361. Officers moving with the headquarters of the Government for the journey between Jammu and Srinagar and *vice versa* draw travelling allowance according to their class at the rates mentioned in Article 363 and the journey for the purpose of travelling allowance only, is treated as on transfer.

362. No daily allowance is admissible for halts made in course of journeys other than on tour. But for journeys between Jammu and Srinagar with the headquarters of Government, daily allowance may be given for halts on duty specially ordered by the Head of the Department.

ANNUAL MOVE OF GOVERNMENT.

363. (1) The following lumpsum allowances for

SPECIAL RULES FOR ANNUAL MOVE OF GOVT. [CHAP. XXX

the road journey may be allowed :—

Class of Officers.	Fixed mileage allowance.		
	Rs.	a.	p.
1. Prime Minister	400	0	0
2. Ministers, Advisers, President Assembly and Judges of the High Court	300	0	0
3. Deputy Ministers	250	0	0
4. Officers (other than those in Classes 1 to 3 above) drawing Rs. 750 or more ..	150	12	0
5. Officers (other than those in Classes 1 to 4 above) drawing from Rs. 500 to Rs. 749 ..	125	10	0
6. Officers (other than those in Classes 1 to 5 above) drawing from Rs. 300 to Rs. 499 ..	100	8	0
7. Officers (other than those in Classes 1 to 6 above) drawing from Rs. 100 to Rs. 299 ..	75	6	0
8. Officers (other than those in Classes 1 to 7 above) drawing from Rs. 50 to Rs. 99 ...	50	4	0
9. Officers (other than those in Classes 1 to 8 above) drawing less than Rs. 50 ...	37	11	0
10. Inferior Servants	20	0	0

(2) For railway journey between Jammu and Rawalpindi—

(a) Officers of the 1st 9 classes actually travelling by the Rawalpindi route will draw for themselves double railway fare admissible to their respective classes under the Travelling Allowance Rules, for their families single railway fare admissible to their respec-

CHAP. XXX] SPECIAL RULES FOR ANNUAL MOVE OF GOVT.

tive classes for each adult member and $\frac{1}{2}$ fare for each member between the ages of 3 and 12 years, the maximum amount admissible for an officer and his family not to exceed four full fares of his class.

(b) Inferior servants will draw single 3rd class railway fare and daily allowance only.

Note 1.—Charges for the officers of the 2nd to 9th classes, for the railway journey must be supported by a certificate from the Head of the Department giving the relationship and ages for members of the family who might have travelled with the officer, and the fact that they are *residing with* and *wholly dependent* on the officer. A similar certificate will be required from officers of the 1st class if rail fares are charged for any member of their family.

Note 2.—When owing to early snowfall, etc., journey is adopted by the Havelian route instead of Rawalpindi in the interest of Government work, the same rates as admissible under this Article will be allowed.

Note 3.—Police Orderlies attached to officers moving with the Government should be given travelling allowance on occasion of Government move from Srinagar to Jammu and *vice versa* at move rates.

Note 4.—“Chauffeurs performing journeys on the occasion of annual move of Government are entitled to full travelling allowance admissible under this Article.”

Note 5.—Service as chauffeur of the Propaganda Van of the Rural Development Department should be treated as superior, and the annual move travelling allowance regulated accordingly.

364. As long as the Banihal-pass is open, travelling allowance by rail between Jammu and Srinagar *via* Rawalpindi in connection with Government move or other ordinary tours should not exceed the travelling allowance admissible *via* Banihal.

365. The Heads of Departments undertaking tour journeys in connection with the annual move journey may, with the previous sanction of the Minister-in-charge be permitted to draw ordinary travelling allowance for the actual journeys performed plus travelling allow-

RULES REGULATING GRANT OF T. A. [CHAP. XXX-A]

ance at move rates minus ordinary mileage rates from Jammu to Srinagar or *vice versa*.

366. If any member of the officer's *family* is prevented by good and sufficient cause from travelling with him by railway, his or her journey may be charged for within these limits; provided he or she follows the officer within two months of the date of his transfer or precedes him by a period not exceeding one month.

CHAPTER XXX-A.

RULES REGULATING THE GRANT OF TRAVELLING
ALLOWANCE TO GOVERNMENT SERVANTS WITH
HEADQUARTERS AT JAMMU OR SRINAGAR
FOR JOURNEY TO THE HEADQUAR-
TERS OF GOVERNMENT.

367. Unless the previous sanction of the competent authority has been obtained, travelling allowance will not be admissible between Srinagar or Jammu and the Headquarters of Government for any direct journey by the Government servant except journey—

(a) for which travelling allowance is permitted under these rules ;

(b) to attend a meeting of the State Legislative Assembly.

367-A. Travelling allowance may be drawn as for a journey on tour by a Head of Department when travelling on duty to the Headquarters of Government and *vice versa* within his sphere of duties for one journey each way whether such journey is performed direct or by detour for inspection purposes. Such a Government servant will however, forfeit all claims to travelling allowance for the halt at Government Headquarters and the Journey between Government Headquarters and the Stations visited immediately before and after the halt at Government Headquarters if he prolongs his stay beyond a period of 10 days or the period necessary for the performance of the duty on which the journey is made, whichever is less.

CHAP. XXX-A] RULES REGULATING GRANT OF T. A.

367-B. Travelling allowance may be drawn for more than one journey either way only if the following conditions are satisfied :—

(i) that for a journey between his Headquarters and Government Headquarters —

(a) it involves a tour of more than 7 days,

(b) the tour does not end with or include a halt of more than 3 nights at the Government Headquarters,

(c) the Minister-in-charge certifies that the tour was made in the interest of Government ;

(ii) that for the journey between the Government Headquarters and his Headquarters—

(a) it involves a tour of more than 7 days,

(b) halts are made during the tour at not less than 3 places of the direct route between his Headquarters and the Government Headquarters,

(c) the Minister-in-charge certifies that the tour was made in the interest of Government ;

(iii) that the interest of Government could not have been equally served in the course of a journey for which travelling allowance is admissible under Article 367-A.

367-C. Articles 367-A and 367-B apply to journeys beginning at the Headquarters and ending at the Headquarters of Government or *vice versa*. For journeys performed after arrival at Government Headquarters, travelling allowance may be drawn to a place which cannot be conveniently visited *en route* from the officer's Headquarters to Government Headquarters or *vice versa* and which is nearer to the Government Headquarters than to his own Headquarters,

RULES REGULATING GRANT OF T. A. [CHAP. XXX-A]

but a Government servant will not get any travelling allowance from such a place back to Government Headquarters unless it falls on the shortest or the cheapest route to his own Headquarters in which case he will get no travelling allowance for halts at Government Headquarters even if such halts are permitted by the Minister-in-charge.

367-D. When a Head of Department with jurisdiction in both provinces is permitted by Government for his own convenience to perform his duties at the Headquarters of Government for a specified period, he is not entitled to daily allowance or mileage allowance for the journey to or from Government Headquarters or for a period he halts at it, and such a Government servant must go to Government Headquarters and back to his headquarters without expenses to Government. Absence from Headquarters in such cases should in no way interfere with the discharge of the entire duties of his office and will not be admitted in extenuation of neglect or shortcoming in the performance of duties.

Note.—Recessing officers and their establishment will, in connection with their recess between their permanent Headquarters and those of the Government, draw travelling allowance at move rates admissible to the personnel of moving officers for one side of the journey and at ordinary tour rates for the other side.

This will come into force with effect from the move which was to take place in November, 1947.

367-E. A Head of Department of the class mentioned in Article 367-D is not entitled to any travelling allowance for journeys performed during the course of residence at Government Headquarters but with the previous sanction of the Minister-in-charge, travelling allowance may be drawn from Government Headquarters to a place which cannot conveniently be visited *en route* from his Headquarters to Government Headquarters or *vice versa* and which is nearer to the Government Headquarters than to his own Headquarters.

CHAPTER XXXI—Rules of Procedure.

COUNTERSIGNATURE.

368. No bill for travelling allowance (other than permanent allowance) of an officer should be paid unless it is (i) countersigned as per note below, and (ii) presented within three months from the completion of the month to which the journey pertains. Bills over due by three months will require preaudit by the Accountant General. However, a travelling allowance claim may at the option of the claimant be preaudited even though it is not over due by three months.

Note 1.—Travelling allowance bills over due by three months should be accompanied by an explanation for the delay approved by the Head of the Department concerned.

Note 2.—Travelling allowance bills of Non-Gazetted Government servants will be countersigned by the Gazetted Officer-in-charge of the establishment to which the Government servant belongs and the travelling allowance bills of all Gazetted Officers except Speaker Legislative Assembly, Advisers, Judges of the High Court of Judicature and Heads of Departments Class I will be countersigned by the next higher administrative officer; but travelling allowance for journeys beyond jurisdiction of the countersigning officer is to be passed by the officer having jurisdiction over the area visited. For journeys on the annual move between Jammu and Srinagar and *vice versa*, no countersignature will be necessary on the bills of Gazetted Officers.

Note 3.—Travelling allowance claims for journeys performed by—

(i) officers of the Forest Department to Amritsar and Pathankot ;

(ii) the management of Rosin and Turpentine Factory and Kashmir Willows, Miran Sahib to Pathankot, Amritsar, Batala, Jullundur and Delhi are exempt from countersignature of the Development Minister and the restriction of obtaining previous sanction for performance of such journeys is relaxed in their favour.

Note 4.—The Deputy Director Education is authorised to countersign travelling allowance bills in the case of offices and Departments presided over by officers of Class II.

CONTROLLING AND AUDIT OFFICERS' DUTIES.

369. It is the duty of a Controlling Officer, before signing or countersigning travelling allowance bill—

- (a) to scrutinize the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration ;
- (b) to scrutinize carefully the distances entered in travelling allowance bills ;
- (c) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance ;
- (d) to observe any subsidiary rules, which a competent authority may make for his guidance ; and
- (e) to exercise strict check while countersigning the bills to see that rules in these Regulations are strictly complied with so that drawal of excess amounts from the treasuries is reduced to the minimum.

370. The countersignature does not dispense with the necessity for formal audit by the Accountant-General with reference to rates, distances and general conditions. The Accountant-General will accept countersignature by the proper authority as final evidence that the facts of journey on which the claim is founded are correct, and that the claim is admissible with reference to Article 369. But he should bring to the notice of the Government through the Minister-in-charge any case in which he considers that any rule is being unreasonably applied. He will further retrench the amounts drawn irregularly or in excess without entering into correspondence where he is satisfied that

excess amount has been drawn without regard to the rules.

Note 1.—The Accountant General will scrutinize the reasons for the delay referred to in note 1 to Article 368 and if he is not satisfied with the explanation, it will be open to him to bring the matter to the notice of the Government.

Note 2.—The Accountant General will further retrench the amounts drawn irregularly or in excess without entering into correspondence where the Accountant General is satisfied that excess amount has been drawn without regard to the rules.

370-A. It is essential that the countersigning duties of the officer supervising the work of the subordinates should be strictly performed and not treated as a matter of routine, that the journal of tours should accompany the travelling allowance bills and every journey performed justified by the nature of the work and inspection done. In the case of fixed travelling allowance, the officers should not only tour the minimum number of days prescribed but should also show the work done outside the headquarters which must be subject to closer supervision on the part of the superior officers.

370-B. Mileage charged for journeys on inspection exceeding 50 miles in a single day require certificate of the Minister-in-charge in the case of a Head of Department and of a Head of Department in the case of subordinate officers to the effect that the required inspection work was properly and fully done by the officer during such journey.

Note—The Director Food Control is empowered to countersign journeys of the Food Control establishment where these exceed fifty miles a day.

INCIDENCE OF CHARGE.

371. The travelling allowance of an officer on whatever duty he may be employed, is charged to the same head as his pay, and the travelling allowance of an officer transferred from one department to another, is debited to the department to which he is transferred.

RULES OF PROCEDURE.

[CHAP. XXXI.]

Note.—Duty allowance and travelling allowance to officials attending the Jammu and Kashmir University work under para (iv) clause (b) of Art. 14-B will be paid by the University as admissible under the University Rules.

SCHEDULES.

SCHEDULE I.

SCHEDULE I.

For the purpose of exercise of powers detailed in this Schedule, the officers have been classified as below:—

Class I.

1. Hon'ble Chief Justice of the High Court of Judicature.
2. Chief Secreatry.
3. Accountant-General.
4. Financial Commissioner.
5. Chief Conservator of Forests.
6. Director Health Services.
7. Director of Education and Research & Publications.
8. Director of Industries and Commerce.
9. Inspector General of Police.
10. Chief Engineer, Public Works Department.
11. Chief Engineer, Electrical Department.
12. Excise and Taxation Commissioner.
13. Transport Controller.
14. Controller Stationery and Printing.
15. Director of Sericulture and Mulberry Culture.
16. Military Secretary to Sadar-i-Riyasat.
17. Director General Dehat Sudhar.

18. Director Tourism.
19. Chief Engineer, Irrigation Department.
20. Trade Commissioner, New Delhi.

Class II.

1. Session Judges including Law Secretary.
2. District Magistrates and Additional District Magistrates
3. Deputy Inspector General of Police.
4. State Surgeon and Superintendent State Hospitals.
5. General Treasurer.
6. Registrar Co-operative Societies.
7. Deputy Excise and Taxation Commissioner.
8. Director Agriculture.
9. Conservators of Forests.
10. Tuberculosis Specialist.
11. Superintendents of Jails.*
12. Chemical Examiner.
13. Principals of Colleges.
14. Director Land Records.
15. Inspectors of Schools including Inspector of Technical Schools.
16. Director, Animal Husbandry.
17. Superintendent Research and Archaeology.

18. Chief Inspectress Girls Education.
19. Director of Supplies.
20. Advocate General.
21. Assistant Director Research and Publications.
22. Secretary to Sadar-i-Riyasat.
23. Deputy Accountant General.
24. Chief of the Peace Brigade, except that he cannot—
 - (a) convey administrative approval for works other than Residential Buildings upto Rs. 500;
 - (b) to make purchases in open market at market rates when no response is obtained by tender notice.
25. Electrical Engineer.
26. All Secretaries to Government.
27. Trade Agent Pathankot.
28. Trade Agent Amritsar.
29. Commandant, J & K Home Guards.
30. Superintendent, Ranbir Government Press.
31. Chief Medical Officers.
32. Pharmacologist, Drug Research Laboratory.
33. Provincial Tawaza Officers.
34. Principal Information Officer.
35. Commissioners.

Class III.

1. Deputy Commissioners.
2. Divisional Engineers.
3. Deputy Conservators of Forests.
- 4 Registrar, High Court of Judicature.
5. Mineral Survey Officer.
6. Superintendents Central Jails, Srinagar and Jammu.
7. Assistant Accountant General.
8. Treasury Officers.
9. Assistant Electrical Engineers.
10. Superintendents of Police including Traffic Superintendent.
11. Deputy Registrar Co-operative Department.
12. Deputy Director Kashmir Valley Food Control.
13. Officer-in-charge Bureau of Information.
14. Deputy Transport Controllers.
15. Special Revenue Officer, Frontier.
16. Deputy Director Agriculture.
17. Deputy Directors of Animal Husbandry Department.
18. Manager Cattle Breeding and Research Farms.

Class IV.

1. Sub-Judges.
2. Assistant Surgeons including Dental Surgeons.
3. Assistant Engineers.
4. Assistant Accounts Officers.
5. Under Secretaries to Government and Deputy Registrar High Court.
6. Munsiffs.
7. Assistant Superintendents of Police.
8. Assistant Conservators of Forests.
9. Medical Officers-in-charge Sub-Jails.
10. Mining Officer.
11. Deputy Director of Horticulture.
12. Deputy Director of Sericulture.
13. Tehsildars.
14. Assistant Director Tourism.
15. Senior Entomological Assistant.
16. Deputy Director of Agriculture.
17. Assistant Registrars Co-operative Societies.
18. Head Masters of Teachers Training School and High Schools and Assistant Inspectors of Schools.
19. Inspectress of Girls' Schools.
20. Head Mistress of Girls' High Schools.

21. Superintendents Stationery Depot.
 22. Sub-Registrars.
 23. Epidemiologist.
 24. Mycologist.
 25. Crop. Botanist.
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Note I. Powers of making appointments delegated to the officers are—

- | | | |
|--|---|---|
| 1. Chief Justice and Judges of the High Court. | } | All Non-gazetted appointments in the Department under them. The Development Minister can make appointments on Work-Charge up to a limit of Rs. 250 p.m. |
| 2. Ministers. | | |

- | | | |
|--|---|---|
| 1. <i>Class I.</i> —Officers. | } | All Non-Gazetted appointments carrying a salary of and up to Rs. 100 p. m. in the departments under them. In the case of appointments in time scale of which the maximum is above Rs. 100 p. m. the appointment will require sanction of the Minister, provided that in the case of Naib-Tehsildars the Revenue Commissioner shall be competent to make appointment only from candidates approved by the Government and in strict order of seniority according to their dates of their qualifying as such candidates and all other appointments shall require the sanction of the Government. |
| 2. Director Kashmir Valley Food Control. | | |
| 3. Director Agriculture | | |
| 4. Director Sericulture | | |
| 5. Registrar Co-operative | | |
| 6. Director Land Records. | | |

Class II.—Officers (excluding Director Kashmir Vally Food Control, Director Agriculture, Director Sericulture, Registrar Co-operative, Director Land Records and the General Treasurer).

Appointments upto a maximum of Rs. 55 p. m. in the departments under them. In the case of appointments in time scale of which the maximum is over Rs. 55 p.m., the sanction of the Head of the Department or the Minister as the case may be, will be necessary. In the case of the Police Executive Staff, the Senior Superintendent of Police shall make appointments up to and including the grade of Head constables only. In the case of Excise and Taxation Executive Staff, the Inspectors shall be empowered to appoint only guards. In the case of Forest Executive Staff, Conservators shall have the power to appoint upto Foresters only.

Class III.—Officers.

Appointments to posts in the office establishment the maximum of

whose scales of pay does not exceed Rs. 35 p m., provided that—

- (a) a Dy. Commissioner shall be empowered to make executive appointments also in his District upto the same limit ;
- (b) a District Superintendent of Police will not be empowered to make any appointment in the Police Force ;
- (c) a Divisional Forest Officer will be empowered to make appointment to the executive Forest Service of officials below the rank of Foresters.

Class IV.—Officers.

Appointment of peons (including Farashes, Gardners, Khidmatgars, Khalasis, Process Servers, and Callers in Girls Schools).

General Treasurer.

To make appointments of Treasurers, Stamp Tehvildars, and Shroffs Potadars in Government Treasuries.

Note 2.—An officer is empowered to reduce, suspend, dismiss or punish in any other manner permissible under rules any official whom he or any officer subordinate to him is empowered to appoint.

Note 3.—Officers marked “A” and Assistant Surgeons at Central Hospitals, Assistant Superintendents of Police at Headquarters, Office Deputy Inspectors of Excise and Taxation will exercise only such powers as are delegated to them by the officers under whom they directly work.

Note 4.—Deputy Ministers will have the same administrative and financial powers as the Ministers except that the powers of placing Gazetted Officers under suspension vested in the Ministers under Cabinet Order No. 289-C of 1948 will not be exercised by them except with the previous approval of the Minister concerned.

DELEGATION OF POWERS.

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made	Nature of Power
1	14-B	To treat as duty period of compulsory waiting by Government servant for posting after his being relieved from his former post.
2	20	To fix Head-quarters of Sub-Divisional Officers in each Division.
3	22-C, 22-D, 22-E 324 and 328	To sanction conveyance and other allowances.
4	35-B	To make temporary appointments of non-hereditary State Subjects as male and female Sub-Assistant Surgeons, Matrons, Compounders, Nurses and Mid-Wives.
5	35-B	To employ compounders and other menial staff temporarily for three months to combat epidemics without the production of hereditary State Subject certificate.
6	35-B	To employ qualified non-State Subjects for gazetted posts during epidemics.
7	35-B	To employ qualified non-State Subjects for non-gazetted posts during epidemics.
8	35-B	To sanction appointment of non-State Subject female teachers in Government Girls Schools.
9	37	To relax age limit up to 35 years.
10	39	To permit or require the charge of an appointment (excepting Heads of

To whom delegated	Extent
All Ministers.	With the concurrence of the Finance Department provided the period of each waiting does not exceed one month in any case.
Chief Engineers, Public Works and Electric Departments.	Full powers.
Prime Minister.	Upto Rs. 10 p. m. in each case with the concurrence of the Finance Department.
Home Minister.	(i) Provided no qualified State Subject candidate is available; (ii) Subject to an intimation being given to the Government.
Director Health Services.	On his being satisfied that the employees are <i>bona fide</i> hereditary State Subjects and appending a certificate to this effect over his own signatures.
Home Minister.	When duly qualified State Subjects are not available.
Director Health Services.	-do-
Education Minister.	Full powers.
Ministers.	In respect of appointments within their competence.
Ministers, Chief Justice and Judges of the High Court.	Under special reasons of public nature, provided it is certified in writing that

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made	Nature of power
		Departments with jurisdiction in both Provinces) being made over in any particular case at a place other than its Head-quarters.
11	39	To permit or require the charge of a non-gazetted appointment being made over at a place other than the Head-quarters of the officers concerned.
12	39	To permit or require the charge of a gazetted or non-gazetted appointment being made over at a place other than the Head-quarters of the officer concerned.
13	47	To sanction honoraria or bonus subject to the conditions imposed in Articles 47 and 48.
14	48	To grant reward of Rs. 50 for recapturing of escaped convicts.
15	48	To confirm grant of reward to Zamin-dars and Lambardars for production of opium of good quality.
16	48	To grant reward under the rules provided in Schedule III whenever and to whatever extent he thinks fit to any Excise and Taxation Officer or other officer or person who may be instrumental to the detection or punishment of an offence against the Customs and Excise Acts.
17	48-A	To sanction the award of prizes with-

To whom delegated	Extent
Class I Officer.	this was done in the public interest. Provided that he certifies in writing that this was done in the public interest.
Director of Education.	Provided he certifies in writing that this was done in the public interest.
(i) Ministers.	(i) In respect of all officers below the rank of Heads of Departments in both Provinces with the consent of the Finance Department.
(ii) Chief Justice and Judges of High Court.	(ii) In respect of officers below the rank of District and Sessions Judges, provided the Finance Department agrees.
Home Minister.	Full powers.
Excise and Taxation Commissioner.	Full powers up to Rs. 200 in a year.
—do—	Full powers.
Minister-in-charge Animal Husbandry Deptt.	—do—

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made	Nature of Power
		in the limit of Rs. 500 for each live-stock show (Animal Husbandry) according to local circumstances.
18	48-A	To sanction award of prizes within the limit of Rs. 150 for each Agricultural show according to local circumstances.
19	48-A	To grant reward on occasions of Jhirri and Bhimber cattle fairs and horse shows to officials of different Departments.
20	48-A	To grant rewards on occasion of Jhirri and Bhimber Cattle fairs and horse shows to Wrestlers, Acrobats, Jockeys, etc.
21	48-A	To utilize out of grant for rewards for good work in criminal cases a sum not exceeding Rs. 50 in a year in payment of petty rewards to constables for cleanliness of uniforms, arms and accoutrements.
22	50 (a)	To permit the acceptance of a fee or present or reward from a private person or a private body whose funds are not administered by the Government for work done for person or body subject to other conditions prescribed in this Article.
23	50 (a)	To permit officers to accept the offer of an University for appointment as Examiners on such remuneration as the University may grant.

To whom delegated	Extent
Minister-in-charge Agriculture.	Full powers.
Commissioner Jammu.	Not exceeding one month's pay of the grantee, in any case the total amount not to exceed Rs. 200.
-do-	Up to Rs. 10 in individual cases, the total amount not to exceed Rs. 150.
Senior Superintendent of Police.	Subject to confirmation by the Inspector General of Police.
(i) Ministers.	(i) By a Non-Gazetted Officer with the consent of the Finance Department, provided the amount of such fee, present or reward does not exceed Rs. 500.
(ii) Chief Justice and Judges of High Court.	(ii) By Subordinate Officers below the rank of District and Sessions Judge with the consent of the Finance Department, provided the amount of fee, present or reward does not exceed Rs. 500 in each case.
Ministers.	Full powers.

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made	Nature of Power
24	50 (a)	To sanction reward offered to the Police by private persons or Institutions.
25	53	To sanction temporary appointments on work-charge basis of Upper Subordinates, Sub-Engineers and Assistant Engineers.
26	53	To make temporary appointments of Sub-Assistant Surgeons from amongst unqualified Senior and Experienced Compounders of the Medical Department.
27	53	To sanction the appointment of Non-Gazetted Staff at the time of outbreak of Epidemic.
28	53	To sanction temporary appointments in connection with surveys and Chemical and-non-Chemical Experiments within budget grant.
29	53	To sanction temporary establishment within budget grant.

To whom delegated	Extent
(i) Minister-in-charge Police. (ii) Inspector General of Police Public Works Minister in-charge P. Works Deptt.	(i) Full powers. (ii) Up to Rs. 100 in each individual case. Full powers.
Minister-in-charge Health Deptt.	Provided fully qualified licentiates are not available.
(i) Minister-in-charge Health Deptt. (ii) Director Public Health.	(i) Provided the period of such appointment is not more than 3 months and the new appointments are made on the minimum of the sanctioned scale; for the posts beyond 3 months with concurrence of Finance Department. (ii) Provided that (1) the staff is limited to actual requirements not exceeding 2 Assistant surgeons, Grade II, 3 compounders & 5 disinfectors. (2) The appointments are made on the minimum of usual pays of these posts. (3) The period of such posts is not more than 1½ months or till the epidemic lasts, whichever is less
Minister-in-charge Industries.	(i) Up to Rs. 80 p. m. (ii) With the concurrence of Finance Department. (iii) The period is not longer than 6 months. (iv) A report is submitted to Government
Chief Conservator of Forests.	-do-

Serial No.	Reference to Article in J & K C. S. R. under which delegation made	Nature of Power
30	53	To sanction appointment of staff.
31	53	To sanction appointments on work-charge establishment up to Rs. 100 p. m.
28	54	Do. upto Rs. 30 p. m.
32	53	To sanction appointments of temporary establishment of Jail manufactory by debit to Manufactory grant up to Rs. 100 p. m.
33	53	To sanction temporary establishment by debit to 47 Misc. Departments, Director Tourism, Supplies and Services.
33-A	54	To sanction deputation of non-Gazetted Officers to India for purposes of Training in the interests of Departments concerned and to grant deputation allowance to them.
33-B	54	To sanction deputation of non-gazetted officers and outsiders for training in the Institutions of the State.

To whom delegated	Extent
(i) Director Rural Development and Co-operative. (ii) Director Agriculture. (iii) Director Animal Husbandry.	To the extent exerciseable by Class I officers.
Chief Engineers Electrical and Public Works Departments.	Full powers.
Director Health Services.	Full powers.
Director Tourism.	Upto Rs. 100/- p. m. for each person employed for a period not exceeding 5 months, provided the pay and allowance of no such appointment shall exceed the maximum of prescribed rates in cases where such rates have been definitely laid down by a higher authority for any particular or class of appointment.
Ministers.	In consultation with Finance Department provided that :— (i) the expenditure is borne by the State. (ii) the officer is to be trained for an appointment for which no trained officer is available within the State. (iii) the training can not be given within the State.
Ministers.	Subject to Rules that may have been laid down in this behalf by the Government.

Serial No.	Reference to Article in J. & K. C. S. R. under which delegation made	Nature of Power
34	53	To sanction temporary (officiating & S. P. T.) appointments in Gazetted Service against clear vacancies.
35	55	To depute untrained Rangers for training at Chitarnar Forest School.
36	53 & 55	To sanction deputation of non-official State subjects of Class I for training in India at their own expenses.
37	53 & 56	To sanction deputation of Assistant Surgeons to post-Graduate course in and outside India.
	53	To sanction the deputation of officials and non-officials (Education) for training.

To whom delegated	Extent
All Ministers.	Provided that — (i) the rate of pay to which the appointment has been made does not exceed 200-25-400 ; (ii) the person appointed is either the senior-most officer due for promotion or his appointment is ordered as a make shift arrangement without prejudice to the claims of his senior and is as far as possible in accordance with the requirements of Recruitment Rules (Gazetted); (iii) Government sanction to the confirmation of the action taken is obtained within a period of three months.
Chief Conservator of Forests	With previous approval of the Minister-in-charge.
Prime Minister (S. S. Board).	Full powers.
Health Minister.	Do.
Education Minister.	Full powers if no extra cost is involved.

Serial No.	Referene to Article in J & K. C. S. R. under which delega- tion made	Nature of Power
38	53	To sanction deputation of gazetted and non-gazetted staff for visits to libraries and Research institutions outside the State for seeking expert guidance in arranging copies of manuscripts.
39	57	To suspend the lien of a non-gazetted Officer on his original appointment under the conditions imposed in the rules.
40	66 & 67	To sanction acting arrangements.
41	68	To sanction grant of acting allowance at rates higher than those admissible under Article 67
42	69	To allow a peon the minimum salary of the post when appointed to officiate as clerk.
43	73	To sanction periodical increments.
43	74-B	To withhold, under rule 30 (ii) of K.C.S. Rules increments.

To whom delegated	Extent
Director of Education Research and Publication.	Full powers.
Ministers, Chief Justice & Judges of the High Court, and Class I Officers.	Provided Finance Department has no objection.
See Delegation against Art. 112(b).	..
Ministers, Chief Justice & Judges of the High Court.	Full powers.
All Ministers and Officers of Class I.	Do.
(i) Ministers.	(i) To all Gazetted Officers serving under them.
(ii) Chief Justice & Judges of the High Court.	(ii) All officers under the control of the High Court.
(iii) Class I Officers.	(iii) To all non-Gazetted Officers in the Department.
(iv) Class II and III Officers.	(iv) To all whom they are empowered to appoint.
Ministers.	In case of Gazetted Officers serving under them and drawing a pay not exceeding Rs. 300 or drawing a time-scale the maximum of which does not exceed Rs. 300 p.m. and in case of all non-Gazetted Officers under their administrative control.
Class I Officers.	In case of non-Gazetted Officers under their administrative control.
Class II and III Officers.	Of all Non-Gazetted Officers whom they are empowered to appoint.

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made.	Nature of Power.
44	76	To allow officers (excepting Heads of Departments with jurisdiction in both Provinces) working under their control to cross the efficiency bar.
45	77	To grant all work-charge employees any stage in the time-scale of the post held by them.
46	77	To sanction the appointment of female teacher up to maximum pay in a High School.
47	78	To permit Government servants to count for increment leave without pay.
48	93 & 94	To allow such joining time to Store-Keepers and Munshies as may be considered necessary.
49	93 & 94	To allow time spent in the transfer of charge on occasion of the transfer of subordinates of the Forest Department from one beat to the other.
50	94	To extend the transit period and permit their subordinate officers moving with Government to its Head-quarters earlier or later than the date fixed for the move by a period not exceeding 10 days.
51	93 & 94	To allow time spent in transfer of charge of store, stock, school and library, etc. to a reasonable extent.
52	96 and 97	To extend the period of joining time of officers who due to circumstances beyond their control, may fail to join the new appointment within the prescribed period.

To whom delegated

Extent

Ministers.

Provided a certificate is recorded for the information of Accountant General that the officers work has been uniformly satisfactory and he is entitled to cross the bar.

—do—

Provided it is not higher than that drawn previously in that scale.

Education Minister.

With the consent of the Finance Department.

Minister.

Provided the leave was taken on account of illness or some other cause beyond the control of the Govt. servant concerned and the Finance Department agrees.

Chief Engineers P. W. and Electrical Departments.

Provided maximum limit of 30 days is not exceeded.

Minister-in-charge Forests.

Within the maximum limit of 15 days.

Minister.

For special reasons which must be recorded.

Education Minister.

Provided maximum joining time of 30 days is not exceeded.

(i) Ministers.

(i) Full powers.

(ii) Chief Justice & Judges of the High Court.

(ii) of all officers of and up to the rank of Sub-judges; beyond that with the concurrence of the Finance Department.

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made	Nature of Power
53	106	To exempt from loss of appointment of the officer who failed to join his new appointment owing to a change of appointment within the prescribed period due to circumstances beyond his control.
54		To permit re-instatement or otherwise after release from detention under Preventive Detention Act.
55 (b)	112 (b)	To grant subject to the provisions of Article 112 (b), K.S.R. leave of all kinds and to sanction acting arrangements in strict order of seniority in connection with such leave irrespective of the fact whether the officer appointed to act is a Gazetted or a non-Gazetted Officer.
56 (b)	112 (b)	To grant privilege leave in favour of Heads of Departments with jurisdiction in both provinces.
57 (b)	112 (b)	To grant all kinds of leave including special disability leave and to sanction acting arrangements in (i) leave arrangements, and (ii) deputation vacancies of a duration less than six months, in accordance with rules and orders in force.
58 (b)	112 (b)	<i>Note.</i> —Officers of Class I when exercising these powers should not consider themselves competent to make

To whom delegated	Extent
(iii) Class I Officer.	(iii) of officers drawing not more than Rs. 100 ;
(iv) Class II Officer.	(iv) of officers drawing not more than Rs. 55 :
(v) Class III Officer.	(v) of officers drawing not more than Rs. 35.
(i) Ministers.	(i) Full powers in respect of non-Gazetted appointments.
(ii) Chief Justice and Judges of the High Court.	(ii) Full powers in respect of non-Gazetted appointments. and in the case of Gazetted officers, with the concurrence of Finance Department.
Minister-in-charge.	In respect of both Gazetted and non-Gazetted officers.
Ministers.	Full powers except in the case of Heads of Departments with jurisdiction in both the Provinces, provided in the case of Gazetted Officers the leave is reported as admissible by the Accountant-General and in the case of non-Gazetted Officers by the Head of Office.
Cabinet.	
Chief Justice. President Assembly. Chief Secretary. Accountant General Finance Commissioner.	All Officers below the rank of Sub-Judges. Asstt. Secretary Legislative Assembly. Deputy Chief Secretary. Assistant Accountant General. Deputy Commissioner.
Chief Conservator of Forests Director Health Services.	Divisional Forest Officer and including Assistant Surgeon. Inspectors and Professors.

Serial No.	Reference to Rules in J. & K. C. S. R. under which delegation made.	Nature of Power.
		acting appointments to a gazetted post in leave arrangements— (a) of a person who is not qualified to act or is not in the list of approved candidates for acting in such gazetted appointment; or (b) of a person who does not already belong to the class, category or grade from which alone he could be recruited; or (c) of a person whose acting appointment would involve the supercession of any person senior to him in such class, category or grade.
59 (b)	112 (b)	To sanction all kinds of leave.
60 (b)	112 (b)	To grant all kinds of leave and sanction acting arrangements in accordance with the rules and orders in force.
61 (b)	112 (b)	To grant leave of all kinds to Jail and Press officials drawing less than Rs. 25 p. m.
62 (b)	112 (b)	To grant leave admissible under rules to office petty and menial establishment as well as lower subordinates.
63 (b)	112 (b)	To sanction leave of all kinds in case of employees subordinate to them drawing salary upto Rs. 35 p. m.

To whom delegated.	Extent.
Director of Education. Director Industries. Inspector General of Police. Chief Engineer, Public Works Department. Chief Engineer, Electrical. Excise and Taxation, Commissioner.	Assistant Director Civil Supplies. Divisional Engineer. Senior Electrical Engineer. Inspectors.
(i) Director Rural and Co-operative Department. (ii) Director Agri- culture. (iii) Director Animal Husbandry. Class II, III and IV Officers.	To the extent exerciseable by Class I officers. To officials whom they are empowered to appoint.
Director Health Services.	Full powers.
Divisional Engineers, Elec- trical Engineer.	Full powers.
Assistant Inspector of Schools, Head Masters, Head Mistresses and Ins- pectresses of Schools.	Provided no acting arrangement is made during the period of such leave.

Serial No.	Reference to Article i J. & K. C. S. R. under which delegation made.	Nature of Power.
64	112 (b)	To grant leave to Session Judges and sanction arrangements in connection with leave to all Gazetted Officers below the rank of District and Sessions Judges.
65	112 (b)	To grant privilege leave to Sub-Judges, Munsiffs, Registrar Small Causes Court and Sub-Registrar.
66	112 (b)	To sanction all kinds of leave to menial staff with powers to make acting arrangements.
67	112 (b)	To grant one month's privilege leave to Ministerial staff of the Court.
68	112 (b)	To grant leave to his subordinate staff drawing Rs. 30 p. m. and below— (i) to grant leave to Sub-Inspectors (Government paid) ; (ii) to grant leave to Moharrirs (Bank Paid) ; (iii) to grant privilege leave admissible under rules to government paid clerks of his office and subordinate offices and to sanction arrangements ; (iv) to grant privilege leave to peons of his office (Government paid) and to sanction arrangements.
69	112 (b)	To grant privilege leave to peons of his office and subordinate offices (Government paid).

To whom delegated.	Extent.
High Court.	Full powers.
Session Judge.	For a period not exceeding two weeks.
Sub-Judges and Munsiffis.	Full powers.
Do.	Do.
Trade Commissioner for New Delhi.	Do.
Deputy Registrar Co-operative.	(i) Upto one month.
Do.	(ii) Upto two months and consequent arrangements.
Deputy Registrar Co-Co-operative.	(iii) Full powers.
Do.	(iv) Do.
Assistant Registrar Co-operative.	Full powers.

Serial No.	Reference to Article in J & K. C. S. R. under which delegation made.	Nature of Power.
70	II2 (b)	To grant leave of all kinds to clerical establishment and Assistant Inspectors.
71	II2 (b)	To grant leave to and make officiating arrangements according to standing orders for all employees drawing a pay of Rs. 100 p. m. or below.
72	II2 (c)	To grant permission to serve elsewhere or take up private employment during the period of leave including leave preparatory to retirement.
73	II2 (c)	To grant permission to take up private employment during any other kind of leave.
74	I29	To commute retrospectively periods of absence without leave into leave without allowances.
75	I33	To grant leave to subordinate Officers including office establishment and menial staff.
76	I33	To grant casual leave to Forest Guards, Range Clerks and peons.
77	,,	To grant causal leave to Conservators, Game Warden and Assistant Game Warden and his Office Establishment.

To whom delegated.	Extent.
Deputy Excise and Taxation Commissioner.	Provided no substitutes are employed in such arrangements.
Chief Inspectress Education.	Full powers.
All Ministers.	
Cabinet.	
(i) Chief Justice and Judges of the High Court.	(i) Full powers in the case of officers whom the High Court has the powers to appoint.
(ii) Ministers.	(ii) Full powers except in the case of Heads of Departments with jurisdiction in both Provinces.
(iii) Class I Officers.	(iii) Full powers in respect of an officer whose appointment rests with him.
Class II, III and IV Officers.	Full powers.
Range Officer.	
Chief Conservator of Forests	Full powers.

Serial No.	Reference to Article in J&K C.S.R. under which delegation made.	Nature of Power.
78	151	To prevent an officer from availing himself of the vacation or vacations by reasons of his having to remain at his post on duty.
79	162-B	To grant special disability leave to a Government Servant who is disabled by injury intentionally inflicted or caused in or in consequence of due performance of his duties.
80	185	To dispose of cases regarding recovery of leave and pension contribution.
81	185	To relax the condition of having rendered five years service qualifying for pension in case of an officer lent to other employees.
82	185	To sanction deputation of non-gazetted officers to commercial organisations and other institutions in the State.
83	203(b)	To declare in the case of an interruption in the service of an officer (excluding Heads of Department with jurisdiction in both Provinces) owing to unauthorised absence in continuation of authorised leave of absence that the past service of the officer will not be forfeited on the re-instatement of such an officer inspite of the fact that the office of the absent officer is substantively filled up in consequence of such an interruption.
84	204	To commute retrospectively periods of absence without leave into leave without allowances.

To whom delegated.	Extent.
Minister-in-charge Education, Director Education.	In case of Gazetted Officers. In case of Non-Gazetted Officers.
Ministers. Class I Officers	Full powers. Same as against Article 112(b)
Ministers, Chief Justice and Judges of the High Court and Class I Officers.	So far as the rules regarding leave and pension contribution are strictly followed and that no special treat- ment outside the rules is accorded in any individual case.
Ministers.	In case of non-Gazetted Officer.
Minister.	-do-
Minister.	Provided the consent of the Finance Department is obtained and the decla- ration is made within one year from the end of the unauthorised leave of absence in an order to be communiti- cated to the Accountant General that the previous service of the officer or any part of it shall not be forfeited.
See Article 129.	

Serial No.	Reference to Article in J&K C.S.R. under which delegation made.	Nature of Power.
85	205	To sanction— (a) interruptions or breaks in service not exceeding six months in duration ; and (b) upon any conditions which they may think fit to impose, the condition of a deficiency in qualifying service upto a limit of three months.
86	226	To sanction retirement.
87	239-(c)	To permit calculation of gratuity or pension of an officer whose pay has been reduced during last 3 years of his service otherwise than as a penalty upon average of his pay during the last three years of his service calculated upon the basis that there had been no such reduction during the last years of his service.

To whom delegated.	Extent.
(i) Ministers.	(i) Except in the case of Heads of Department with jurisdiction in both Provinces and with the consent of the Finance Department.
(ii) Chief Justice and Judges of the High Court.	(ii) Except in case of all subordinate offices under the High Court.
(i) Chief Justice & Judges of the High Court.	(i) In the case of subordinate officers below the rank of District & Sessions Judges.
(ii) Ministers.	(ii) In respect of Gazetted Officers below the rank of Heads of Departments with jurisdiction in both Provinces, provided such officers have attained the age of superannuation.
(iii) Class I, II & III Officers.	(iii) In respect of officers whom they are empowered to appoint.
(i) Ministers.	(i) Provided the Finance Department has no objection.
(ii) Chief Justice and Judges of the High Court and Class I Officers.	(ii) In respect of officers whose appointment rests with them, provided Finance Department has no objection.

Serial No.	Reference to Article in J.&K. C.S.R. under which delegation made.	Nature of Power.
88	249	To sanction compensatory gratuities or extraordinary pension to all officers under his control for accidents occurring in the discharge of his official duties.
89	256	To sanction extension of the period of 3 months prescribed under this Article.
90	265	To sign entries in the service book of his office establishment.
91	286	To sanction ordinary pension in case of non-Gazetted establishment of the Police Department, Traffic Control and Fire Brigade whose appointments after they are vacated by the retiring officers are not filled by any higher authority.
92	287	To exercise powers of Minister-in-charge of Police.
93	291	To sanction all pensions except in the case of Ministers, Heads of Departments, Judges of the High Court & District & Sessions Judges. To sanction ordinary pension due under rules to all non-Gazetted staff.

To whom delegated.	Extent.
Chief Justice and Judges of the High Court.	Provided the Finance Department agrees.
(i) Ministers.	(i) In the case of officers drawing upto Rs.1,000 p. m.
(ii) Chief Justice and Judges of the High Court.	(ii) Full powers.
Heads of Office, and Secretaries and Deputy Secretaries in Secretariat offices.	Full powers.
Inspector General of Police.	Provided the amount of pension is verified by the Accountant-General as strictly admissible under the rules.
Inspector General of Police.	Full powers.
Ministers, Chief Justice and Judges of the High Court. Class I Officers.	If reported by the Accountant-General as admissible under rules. Provided the Accountant-General has no objection and no condonation of break in service or any other irregularity is involved.

Serial No.	Reference to Article in J&K C.S.R. under which delegation made.	Nature of Power.
94	291-A	To sanction pension to non-Gazetted establishment under their control on the same conditions as in the case of Departmental Heads.
95	292-A	To issue anticipatory pension payment orders upto a limit of $\frac{3}{4}$ th of the pension admissible for the service actually verified.
96	301	To sanction payment of the arrears of pension dues to a retired Government servant irrespective of any time limit.
97	305	To sanction tour programme of his subordinates.
98	305	To sanction relaxation of the provisions of these Regulations of relating to Travelling Allowance.
99	308-A	To sanction Travelling Allowance as admissible under rules for journeys beyond the State territory.
100	308-A	To sanction actual expenses incurred such as train, bus or taxi charges to foreign training stipendiaries for short journeys in connection with their training.

To whom delegated	Extent.
Commissioners, Frontier Deputy Commissioners.	Provided the Accountant-General has no objection and no condition of break in service or any other irregularity is involved.
Accountant-General.	Full powers.
Do.	do.
Class I and Class II Officers.	do.
(i) Ministers and Chief Justice;	(i) In favour of all subordinate officers, provided the Finance Department has no objection.
(ii) Judges of the High Court.	(ii) In favour of non-Gezatted Officers and menials, provided Finance Depart- ment agrees.
(i) Ministers.	(i)&(ii) Provided journey is undertaken in the performance of normal business of the Department.
(ii) Chief Justice and Judges of the High Court.	(iii) " " in respect of non-Gazatted Officers.
(iii) Class I Officers.	(i) Provided the journey undertaken is beyond a radius of 5 miles from a stipendiary's temporary headquarters.
Prime Minister (S. S. Board.)	(ii) The expenditure is certified by the Head of the Institution as absolutely necessary in the interest of training.

Serial No.	Reference to Article in J.&K. C.S.R. under which delegation made.	Nature of Power.
101	Note to 309-B	To declare for purpose of travelling allowance the class of retired Government servants.
102	315	To sanction mileage of next higher class for railway journeys on trains which do not provide the class of accommodation which a stipendiary is ordinarily entitled to under the rules.
103	320-A (a)	To permit under the conditions imposed journeys by road between places connected by air services. <i>Note.</i> -In case of Ministers, Financial Adviser and Judges of the High Court, their own certificate would be sufficient.
104	320-A (b)	To permit officers to travel by air in case of urgency in the interest of public service.
105	322-A	To relax provisions for camp scale on special occasions in individual cases.
106	328	To sanction conveyance and other allowances.
107	328	To sanction grant of conveyance allowance to particular officers within the scale sanctioned by Government.
108	331	To sanction actual expenses for journeys performed within a radius of 8 miles.
109	332	To grant prolonged halting allowance, provided the conditions laid down in the rules are fulfilled.

To whom delegated.	Extent.
Ministers. Class I Officers.	Full powers. In respect of non-Gazetted servants.
Prime Minister, S. S. Board.	Provided (i) the stipendiary actually travels by that train, and (ii) the journey by that train is certified as necessary in the interest of his training by the Head of the Institute.
(i) Ministers. (ii) Class I Officers.	(i) Full powers. (ii) Full powers in respect of Officers under them.
(i) Ministers. (ii) Class I Officers.	(i) Full powers. (ii) Full powers in case of non-Gazetted Officers under their control.
(i) Ministers. (ii) Heads of Departments (Class I)	(i) Full powers. (ii) In respect of officers under them.
Prime Minister.	See Article 22-E.
Chief Engineer P. W. D.	Provided officers are such whose appointment rests within his competence.
Health Minister	In case officers employed on epidemic duty.
(i) Chief Justice and Judges of the High Court.	(i) In respect of Gazetted Officers and non-Gazetted Officers upto 3 days, provided a certificate is recorded that

Serial No.	Reference to Article in J.&K. C.S.R. under which delegation made.	Nature of Power.
IIIO	332	To sanction without the Finance Department consultation prolonged halting bills exceeding 30 days of the Food Control Staff detailed to mufasil duty in connection with shali advances disbursement and shali collection.
IIII	332	To sanction prolonged halts and change in the programme of female travelling Dispensaries.
II12	332	To sanction prolonged halting allowance to stipendiaries for halts during training upto 30 days.
II13	337-A	To sanction actual expenses in lieu of travelling allowances and haltago.
II14	339	To transfer Gazetted and non-Gazetted Officers under their control.

To whom delegated.	Extent.
(ii) Ministers.	the halting was absolutely necessary in the interest of Government work & the Finance Department has no objection. (ii) Upto 30 days in respect of non-Gazetted Officers. Upto 30 days in respect of Gazetted Officers excluding Heads of Departments with jurisdiction in both Provinces with previous concurrence of the Finance Department.
(iii) Class I Officers.	(iii) Upto 20 days in respect of non-Gazetted Officers drawing not more than Rs 100 p.m., provided a certificate is recorded that the conditions of Article 332 have been fulfilled.
Revenue Minister.	Full powers, provided such bills are pre-audited by the Accountant-General as usual and passed for payment by the Director Food Control.
Director Health Services.	Full powers.
Prime Minister (S. S. Board).	Provided the Finance Department is consulted.
(i) Ministers. (ii) Class I Officers.	(i) Full powers. (ii) In respect of non-Gazetted Officers under them.
(i) Ministers. (ii) Chief Justice. (iii) Accountant-General.	(i) Full powers except in the case of Heads of Departments with jurisdiction in both Provinces. (ii) Officers below the rank of Sub-Judges. (iii) Officers below the rank of Assistant Accountant-General. In case of Audit Officers Customs Revenue Audit.

Serial No.	Reference to Rules in J.&K. C.S.R. under which delegation made.	Nature of Power.
115	339	To transfer Government and Bank Paid Inspector.
116	339	To transfer Moharrirs (Bank paid).
117	339	To transfer and order posting of Forest Guards within their range.
118	339	To sanction transfer of employees drawing a salary upto Rs. 25 p.m. or less.
119	360	To permit all officers under their control to attend technical conference and

To whom delegated.	Extent.
(iv) Revenue Commissioner.	he will be competent to effect the transfer only in consultation with the Excise and Taxation Commissioner.
(v) Chief Conservator of Forests.	(iv) Officers below the rank of Deputy Commissioner. (v) Officers below the rank of Divisional Forest Officers.
(vi) Director of Health Services.	(vi) Officers below the rank of Superintendent State Civil Hospitals.
(vii) Director Education.	(vii) Officers below the rank of Inspectors and Professors.
(viii) Inspector General of Police.	(viii) Officers below the rank of District Superintendent of Police.
(ix) Chief Engineer P. W. D.	(ix) Officers below the rank of Divisional Engineers.
(x) Chief Engineer Electric.	(x) Officers below the rank Senior Electrical Engineer.
(xi) Excise and Taxation Commissioner.	(xi) Officers below the rank of Inspectors.
(xii) Class II Officers.	(xii) All Non-Gazetted Officers under him.
(xiii) Class III Officers.	(xiii) Any officer not drawing more than Rs. 35 p m. but a Deputy Commissioner can transfer within his jurisdiction all subordinates below the rank of Naib-Tehsildars.
Deputy Registrar Co-operative.	Full powers.
Assistant Registrar.	Full powers.
Rangers.	Upto Rs. 15 p. m.
Assistant Inspector, Head Masters, Head Mistresses and Inspectors of Schools.	Full powers.
Ministers.	Provided the Finance Department has no objection.

Serial No.	Reference to Rules in J.&K. C.S.R. under which delegation made.	Nature of Power.
120	360	Departmental meetings in India, provided such visits are in the interest of the Department.
121	360-E	To permit professors and Teachers to accompany teams and allow them travelling allowance as admissible under rules.
122	360-D	To sanction travelling allowance under rules for journeys beyond State territory in the case of Non-Gazetted Officers to attend technical conferences and Departmental meeting in India.
123	367	To sanction Travelling Allowance at the rates admissible under for journey beyond the State territory.
124	367	To permit Government servants to undertake direct journey between Srinagar or Jammu and the Headquarters of Government.
125	368	To move any Forest Officer to any place within his jurisdiction in the interest of Government work.
126	368	To countersign travelling allowance bills of treasurers on their transfer from one station to another.
		To countersign travelling allowance bills for journeys performed outside jurisdiction.

To whom delegated.	Extent.
Education Minister.	Full powers.
Class I Officers.	Except clerks who accompany officers attending technical conferences and Departmental meetings in India in whose case sanction of the Minister-in-charge to permit their accompanying in exceptional cases is necessary.
(i) Inspector General of Police. (ii) Senior Superintendent of Police.	(i) In respect of all police officers above the rank of Inspectors, provided the journey undertaken is in the performance of normal business of the Departments. (ii) In respect of all the police officers of and below the rank of Inspectors.
Ministers.	Full powers.
Chief Conservator Forests.	Do.
General Treasurer.	Do.
Chief Conservator Forests.	Full powers and in the case of journey performed outside the State territory he can sanction travelling allowance in case of non-Gazetted Officers only.

Serial No.	Reference to Rules in J. & K. C.S. R. under which delegation made.	Nature of Power.
127	Schedule IV para (vii)	To sanction Presidency Town allowance and conveyance allowance to students under training in India.
128	Schedule IV para (vii)	To sanction family allowance subject to a maximum of Rs. 150 p.m. and 50% of their pay to officials deputed for training overseas.
129		To sign the reassignment from and the notice from on behalf of the Government.

To whom delegated.	Extent.
Prime Minister (S. S. Board).	With the previous consultation of the Finance Department subject to rules in force.
Do.	With the previous consultation of the Finance Department.
Chief Secretary.	Insurance policies assigned to Government by loan scholars.

SCHEDULE II.—(Article 20-B)

List of Appointments specially classed as Inferior.

1. Carpenters, Nalbands and Iron-smiths of the Baggikhana and Mistris in Corps. The Mistry of the State Band should not be considered a menial but classed as a IV class officer as a special case.

Exception.—The service of carpenters of Tawaza Department at Rs. 40/- p. m. and above retired on or after 20-8-1942/5-5-1999 is superior.

2. Daftries and Mochis.

2-A. Constables of Police Department.

3. Head Watchers and Watchers in the Game Preservation Department, Watchers and Skinner Dog Boy (taxidermist) in Hunting Grounds and Game Rakhs Department and Jamadars or Chobdars in all other Departments are inferior.

Note 1.—Jamadars and Head Watchers in Game Rakhs Department will despite the implications of their designations, be treated as superior.

Note 2.—The services of Jamadars of Game Preservation Department as Jamadars who retire with effect from 8th April, 1933/27th Chet, 1989 are treated as superior.

Note 3.—The services of Big Game Shikaries, Assistant Big Game Shikaries, Small Game and Fishing Shikaries are superior for the purpose of pension.

Note 4.—The services already rendered by the Deputy Jamadars, Game Preservation Department retiring after the date of Government orders viz, 27th November, 1936/13th Maghar, 1993 will be treated as superior for purposes of pension.

Note 5.—The services of Watchers of Fisheries and Games Department those transferred to the Forest De-

partment as also those retained by the Tawaza Department on $\frac{9-1-2010}{21-4-1953}$ are declared superior for purposes of pension only, like the permanent Guards of the Forest Department.

4. Distributors and others whose work is purely mechanical such as Rollermen or Inkmen, Ely-boys or Takers-off, in Printing and Lithographic establishments except sangsazes and book-binders who hold permanent appointments and whose pay exceeds Rs. 10 per mensem and pressmen drawing Rs. 15 per mensem or over who are treated as superior servants for purposes of grant of leave allowance and pension.
5. Drivers and Rough Riders.
6. Farashes and Jamadars drawing more than Rs. 10 per mensem.
7. The services of Forest Guards retired on or after 2nd September, 1936/18th Bhadon, 1993 counts as superior irrespective of the rate of pay drawn by them.
- 7-A. The services of Grazing chaprasis now designated as Grazing Forest Guards retired on or after 30-1-45/ 18-10-2001 count as superior from the date the grazing establishment was brought on permanent list, viz. 16-3-1942/3-12-1998.
8. Gardeners and Head Gardeners drawing below Rs. 20/- p. m. and Jamadars of Garden Farms.

*Exception :—*The services of the following now designated as Head Gardeners retired on or after 29-6-1948/16-3-2005 is superior:—

(1) Two Head Gardeners		
Shalamar Bagh and		
Nishat ..	Old scale	New scale
(2) Two Head Gardeners for	22-2-40	35-3-65
Flower Nursery and Ex-		
hibition Ground ..	20-1-35	30-2-50

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	Old scale	New scale
(3) One Jamadar Lal Mandi Garden ...	20-1-35	30-2-50
(4) One Jamadar for Farm. ...	22/- (consolidated) + Ration Allowance of Rs. 12/- p. m.	

9. Hanjis and Jamadars.

10. Matrons and Dais in Jails and Hospitals.

Note :—Services of Dais of the Medical Department are treated as superior.

11. Menial and inferior servants of all kinds including Bandoorkis and Chobdars except their Kote Havildars and Jamadars, as well as Jamadar of main Deorhi.

12. Messengers, Orderlies and their Petty Officers.

Exception.—Orderlies in the State Stables are treated as superior.

13. Mistris in the Public Works Department on pay less than Rs. 25 per mensem for the purposes of pension and Mistris in the Public Works Department and Work-charge Establishment including work agents, whose pay does not exceed Rs. 20 per mensem for the purposes of travelling allowance.

14. With effect from 31st January, 1919/19th Magh, 1975, the service of Jail Jamadars and Dafadars is superior irrespective of their pay.

Note.—The services of Chief Head Warders and Head Warders of the Jail Department are superior. (Council Order No. 26, dated 17th January, 1935).

15. Warders and Turnkeys in Jails.

16. All other service including that of Printer in Photography and permanent Teachers and Moharrirs or Clerks drawing less than Rs. 10 per mensem, is superior service as they are

treated as Class IV officers for the purposes of travelling allowance.

17. Khidmatgars in Medical Department at Rs. 8 per mensem.

18. Lightmen in Reception Department.

19. Cutting Machinemen in the Ranbir Government Press.

20. Syce in Nagbani stable, etc,

Mahawats of Elephant Shed, etc.

21. In all cases when the pay of an official not specially classed as superior continues to be Rs. 10 per mensem or below, the provisions of Article 190 will strictly apply.

Exception.—(a) The service of Compounders and Vaccinators drawing Rs. 10 per mensem and below is superior for purposes of pension in the case of persons retired after 30th May, 1931.

(b) The service of Head-Constables of Police Department drawing Rs. 10 per mensem is superior for purposes of pension.

“Services of the Seed Examiner of the Sericulture and Mulberry Culture Departments be treated as superior for purposes of travelling allowance with effect from 5-10-1953/20-6-2010.

For purposes of pension reference be made to Note (5) under Article 249 of the Regulations.

(c) The service of Excise Guards retired after 21-7-1942/6-4-1999 is treated as superior irrespective of the rate of pay drawn by them.

(d) The service of watchers of the Tawaza Department retired after 17-3-1943/4-12-1999 is treated as superior irrespective of any rate of pay drawn by them.

(e) The service of the following employees of the Tawaza Department retired on or after 26-10-1944/11-7-2001 is treated as superior:—

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(i) Head Farashes on pay Rs. 20 and above.

(ii) Tent repairers, do Rs. 35 do

(iii) Chattri bardars, do Rs. 25 do

(iv) Furriers, do Rs. 40 do

(f) The service of literate workers of the Preventable Diseases Bureau retired on or after 5-6-1944/23-2-2002 is treated as superior.

(g) The service of linemen and cleaners of the Electrical Department retired on or after 10-10-1946/24th Assuj, 2003 is treated as superior for purposes of pension.

22. Patwaris including Irrigation Patwaries on pay below Rs. 10 per mensem.

23.	Watch-makers, Goldsmiths, Tailors		Those drawing pay less than Rs. 25 per mensem treated as inferior and others superior.
22.	Musicians		Those drawing pay at Rs. 20 and above treated as superior.
25.	Dyers, Tin Polishers, Dhobies, Nachabands, Barbers	of His late Highness the Maharaja Partap Singh Sahib Bahadur.	Treated Inferior irrespective of their pay.
16.	Circketeers		Superior irrespective of their pay.
27.	Sian (cooks)		Those drawing above Rs. 20 treated as superior.

28. Gauge readers

The service of gauge readers retired on or after 10th Feb., 1928/ 29th Magh, 1994 is classed as superior from the date their pay was raised. Service as a Bee keeper should be treated as superior.

SCHEDULE III.— (Articles 48 & 48-A).

REWARD TO FOREST EMPLOYEES.

I. The Chief Conservator of Forests is authorised to pay as rewards to forest employees a portion of the compensation money realized for damages to forests.

II. To encourage the prevention of Kuth smuggling, the following rewards may be paid to any non-gazetted officer of the Government or to any private person who is instrumental in or gives information leading to the detection of offences under the Kuth Act or the recovery of the stolen kuth upto Rs. 50 in each case and in addition, where stolen kuth of more than one maund is recovered, upto Re. 50 for each maund so recovered.

Note—Rewards upto Rs. 300 in each case may be sanctioned by the Chief Conservator of Forests; sums in excess of this require the previous approval of the Minister-in-Charge.

III. All forest officers below the rank of Assistant Divisional Forest Officer and all other Government servants whose pay does not exceed one hundred rupees as well as persons who are not public servants, are eligible for rewards under these rules:—

(a) On conviction of an offender or on directing the confiscation of property under the Jammu and Kashmir Forest Act, 1987 the Magistrate by whom the case has been decided, is authorized to grant such rewards and in such proportion as he may think fit to any person or persons who have contributed to the seizure of the property confiscated or the conviction of the offender, provided that the total amount of reward shall not exceed the estimated value of the property confiscated plus the amount of any fine imposed.

(b) If in any case the fine and the proceeds of the property confiscated cannot be immediately realized the Magistrate deciding the case shall at once pay the reward (provided that it does not exceed Rs. 50). If in any case the Magistrate considers that more than Rs. 50 should be distributed as reward he shall distribute Rs. 50 at once and shall submit his recommendations

for larger rewards to the Chief Conservator of Forests who shall have power to sanction rewards not exceeding Rs. 100/-. If the Chief Conservator of Forests considers a high reward than Rs. 100/- called for, he shall refer the case to the Minister-in-Charge who may sanction distribution of a sum not exceeding Rs. 150/- and may refer the case for the orders of the Government for larger amount.

In case the Magistrate has not at his disposal a fund out of which the reward can be paid or in the case of an order of confiscation where by law the Forest Officer takes charge of the property, the Forest Officer-in-charge of the Division shall on requisition, furnish the Magistrate with the necessary funds.

(c) In any case the rewards shall be paid within the limit and under the sanction provided in rules (a) and (b) even though the fine may not have been realized. In cases in which the Forest Officer has furnished the funds under the rule, the fine on recovery shall be paid over to him.

(d) If after payment of the reward the conviction is reversed in appeal, the amount paid away in reward shall not be recovered from the persons to whom it has been paid unless it shall appear that they have acted fraudulently in the case.

(e) In case where under the Jammu and Kashmir Forest Act, 1987, a Forest Officer has accepted a sum of money as compensation for any damage which may have been committed, the Chief Conservator of Forests may authorize the payment of a portion of the amount realized not exceeding three-fourths upto a maximum of Rs. 100/- as a reward to any person or persons who may have contributed to the discovery of the offender.

(f) If in any case the Chief Conservator of Forests considers that more than Rs. 100/- should be distributed as rewards, he shall distribute Rs. 100/- at once and shall submit his recommendation for a larger reward with his reasons for the same to the Minister-in-Charge who shall have power to sanction rewards not exceeding Rs. 150/- and may refer the case for orders of the Government for larger amounts.

IV. To a police or other officer or private person assisting in an enquiry in a criminal case and provided the assistance rendered is considered worthy of reward in the best interest of the administration or to a Fire Brigade or other officer or private person for assistance, rendered for extinguishing fire, the rewards to the members of the Fire-Brigade or the public being granted in very exceptional cases only, the Deputy Inspector General of Police may give a reward not exceeding Rs. 25/-. Rewards exceeding Rs. 25/- but not Rs. 100/- in favour of employees of Police Department upto the rank of Inspectors or private persons require sanction of the Inspector General of Police, those exceeding Rs. 100/- that of the Minister-in-Charge, but all such rewards should be within the budget provision for the purpose.

Note.—Provincial Deputy Inspector General of Police may utilize out of the grant for reward for good work in criminal cases a sum not exceeding Rs. 50/- in a year in payments of petty rewards to constables for cleanliness of uniforms, arms and accoutrements subject to confirmation by the Inspector-General of Police.

V. Petty rewards are allowed to the field establishment by settlement officers for good work done and to Shikaries and watchers in the Game Preservation Department.

VI. The Excise and Taxation Commissioner has been empowered to grant rewards under the following rules, whenever and to what-ever extent he thinks fit to any Excise officer or other officer or person who may be instrumental to the detection or punishment of an offence against the Excise Act Samvat 1858 :—

(a) Out of the fines imposed, 50% of the profit to the Department after deducting from the total amount realized all excise duties and charges due from the offender ;

(b) Out of sale proceeds of attached or confiscated property, 50% ;

(c) In cases when no fine is imposed, such amount not exceeding Rs. 50/- in each case as the summoning officer may think fit ;

(d) When an offence is detected as a result of information given by any person, not a member of the Department, such person should receive half the reward, the rest being distributed in proportion to their pay among the persons co-operated in the detection or punishment of the offence. In other cases the whole reward should be distributed as above ;

(e) To encourage production of opium of good quality, the Excise and Taxation Commissioner has been empowered to grant rewards upto Rs. 200/- in a year to Lambardars, etc. No rewards or *khillats* will be granted to any State official without the previous sanction of the Government.

VII. Petty rewards to Government servants or other persons are granted on the occasion of religious and public festivals out of budget allotment for the festivity concerned under the established practice not exceeding the fixed rates.

VIII. Government servants appointed as Supervisors and Invigilators for the Kashmir Civil Service competitive examinations are paid remuneration at the rate of Rs. 5/- and Rs. 2/- respectively for each session.

(a) Government servants selected as Examiners for these examinations are paid the uniform rate of Rs. 60/- and Re. 1/- allowed to other examiners for setting each question paper and for marking each script respectively.

(b) An officer appointed as Superintendent Kashmir Civil Service Examination will be paid an honoraria equal to an amount not exceeding one month's pay of such officer subject to a limit of Rs. 500/-.

(c) Fees to the superintendents of examinations and the inferior staff attached to them drawn from Departments other than the revenue at the rate of Rs. 5/- and Re. 1/- per sitting respectively for the conduct of the Departmental examination of the Revenue Department, by debit to the contingent grant of the Revenue Secretariat with effect from 1952 will be paid.

IX. The Commissioner of Jammu is empowered to grant rewards on the occasion of the Jhirri and Bhimber cattle fairs and horse shows to—

- (i) Officials of different Departments not exceeding one month's pay of the grantee in any case, the total amount not to exceed Rs. 200/-;
- (ii) Wrestlers, Acrobats, Jockeys, etc. up to Rs. 10/- in individuals cases, the total amount not to exceed Rs. 150/-.

X. The Minister in Charge of the Veterinary Department is authorized to sanction the award of prizes within the limits of Rs. 500/- for each live-stock show according to local circumstances.

XI. The Minister-in-Charge of the Agriculture Department is authorized to sanction award of prizes within the limit of Rs. 150/- for each Agricultural show according to local circumstances.

XII. Remuneration granted out of the judicial record fund by the Presiding Judges to the senior-most hand on the establishment of his Court not below the rank of Reader for comparision and attestation of copies of judgement, etc. granted under the copying rules not exceeding 1/10th of the total amount of the copying fee realized from an applicant.

XIII. Shikarkhana employees get a reward of Rs. 10 and Rs. 5 for destruction of a panthar in the Rakhs of the Kashmir and Jammu Provinces respectively.

XIV. The Minister in Charge of the Mining Department is empowered to grant rewards not exceeding Rs. 100/- in each case to Government officials or private persons for assistance rendered in safeguarding the interests of the Mining Department on giving information or help leading to the detection or seizure of illicitly acquired precious stones, etc.

XV. Watchers of the Game Preservation Department shall not be debarred from receiving the rewards as

per clause (f) Article 159 of the Financial Code nor the watchers of the Fisheries from receiving these referred to in Part I of the said clause.

XVI. (a) Medical officers are allowed fee for post-mortem and Medico Legal Examinations not falling within their ordinary duties as per Rule 184 of the Financial Code.

(b) Petty rewards not exceeding Rs. 4/- in each case are granted to Dais of Hospitals for bringing bad labour case as per clause (g) of Article 159 of the Financial Code.

XVII. The Settlement Commissioner is empowered to give rewards within the budget grants not exceeding Rs. 10/- per mensem each to such Naib-Tehsildars whose demarcation work is considered satisfactory.

XVIII. The Exhibition Committee is empowered to sanction rewards in favour of persons who do good work in connection with the Government Exhibition by debit to the Exhibition grant.

XIX. Rewards for municipal servants whose appointment rests with the Government will be sanctioned by the Government and for others by the Minister-in-charge, Municipalities, provided,—

(a) the rewards in any case do not exceed one month's pay of the grantee,

(b) that when rewards are granted either unnecessarily or too frequently, the Accountant General will bring such cases to the notice of the Government.

SCHEDULE IV.—(Article 162-A)

STUDY LEAVE

These rules are not intended to meet the cases of Government servants selected by the Government for special courses of instructions or training either in or outside India. Such cases will continue to be dealt with on merits under special terms governing their selection. The rules apply to Public Works Department, Medical Department, Education Department, Archaeological Department, Meteorological Department, Electrical Department, Audit and Accounts Department, Co operative Department, Agriculture Department, Veterinary Department, Mining Department, Sericulture and Industries Departments, and Forest Department. These rules may be extended by the authority empowered to sanction study leave under Rule (xiv) to any Government servant including a Government servant serving in a local fund not belonging to any of the Departments mentioned above, provided the Head of the Department or the Minister-in-Charge who recommends the leave is of opinion that leave should be granted in public interest to pursue a special course of study or investigation of a scientific or technical nature—

- (i) Extra leave on half average salary for the purpose of study may be taken either in or outside India. It may be granted to a government servant of any of Departments named above, provided that when a Government servant borne permanently on the cadre of one Department is serving temporarily in another Department, the grant of leave is subject to the condition (a) that the authority recommending leave can make local arrangements to carry on his work in his absence, and (b) that the consent of the Department to which he is permanently attached is obtained before the leave is recommended. Study leave should not ordinarily be granted to a Government servant of less than five years permanent service or to Government servants who have attained forty years of age. Government servants

who are not hereditary State-Subject, should not also be admitted to the benefit of these rules.

- (ii) Grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave in combination with leave other than extraordinary leave or leave on medical certificate involve an absence of over 28 months including any period of vacation, with which the study leave or other leave may be combined from a Government servant's regular duties or exceed two years in the whole period of Government servant's service, nor should it be granted with such frequency as to remove him from contact with his regular work. A period of twelve months at one time should ordinarily be regarded as a suitable maximum and should not be exceeded save for exceptional reasons.
- (iii) A Government servant whose study leave is combined with any other leave should be required to take his period of study leave at such a time as to retain at its conclusion a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.
- (iv) When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority to his taking it as ordinary leave.
- (v) All applications for study leave should be submitted through proper channel with the audit officer's certificate and the course or courses contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If it is not possible for the Government servant to give full details

as above in his original application, or if he wishes to make any change in the programme which has been approved, he should submit particulars as soon as possible to the Secretary, Scholarship Selection Board. In such cases he should not unless prepared to do so at his own risk, commence the course of study nor incur any expenses in connection therewith unless receives approval to the course.

(vi) No course of study will be recognised as qualifying for the grant of study allowance or study leave for any other purpose unless it has been approved in at least broad outline by the sanctioning authority in accordance with rule (v) above.

(vii) A study allowance will be granted for the period spent in prosecuting a definite period of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates of study allowance in India will be those prescribed under Article 335 of these Regulations for the purpose of daily allowance. The rates for study allowance outside India will be fixed by the Government in each case.

(viii) A study allowance will be admissible upto 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be granted at the discretion of the Government for any period upto 14 days at one time, during which the officer is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from service without returning to duty after a period of study leave, the study allowance will be forfeited. If the Government servant is under Civil Leave Rules, the study

leave will be converted into ordinary leave to the extent of ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

- (ix) A Government servant of the Vacation Department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible (*vide* Rule 12 of Study Leave Rules).
- (x) Government servants granted study leave should be required to meet the cost of fees paid for courses of study. In no case will the Government be prepared to consider proposals that such fees should be paid by the Government.
- (xi) On completion of the course of study, a certificate on the proper form together with the certificates of examination passed or of special study shall be forwarded to the office of the Scholarship Selection Board. In the case of definite course of study at a recognised institution, arrangements for the payment of study allowance will be made by the Accountant General as in the case of scholars selected by the Government. When the programme of study approved under rule (v) does not include or does not consist entirely of such a course of study, the Government servant shall submit to the office of the Civil Service Recruitment and Scholarship Selection Board a diary showing how his time has been spent and a report indicating fully the nature of methods and operations which have been studied and including suggestions as to the possibility of applying such methods or operations to the Government. The Board will decide whether the diary and report and the Examination, etc. passed by the official show that the time Government servant has been properly employed and will determine accordingly for what period the

leave allowance including the study leave allowance referred to in rules (vii) and (viii) may be granted.

- (xii) Study leave will count as service for promotion and pension but not for leave. It will not affect any leave which may already be due to a Government servant.
- (xiii) During the study leave, a Government servant will draw half the average salary subject to the maximum laid down in Article 165 of these Regulations. A Government servant may, subject to the approval of the proper authorities being obtained, undertake or commence a course of study during the period of privilege leave and subject to rules (vii) and (viii) draw study allowance in respect thereof, provided study allowance is not drawn for an aggregate period exceeding two years during the whole of a Government servant's service.
- (xiv) The Prime Minister (Civil Service Recruitment and Scholarship Selection Board) on the recommendation of the Minister-in-Charge and with the consent of the Finance Department may grant study leave under these rules for purposes of study in India. Cases for study leave outside India will be sanctioned by Government with the previous concurrence of the Finance Department.
- (xv) Government servants who are granted study leave under these rules shall be bound to serve the Government at least for a period of seven years immediately after the completion of their course of study for which study leave was granted in their favour, provided that the Government may in relaxation of the provisions of this rule in a particular case reduce the period of service or dispense with this obligation altogether.
- (xvi) In the event of default on the part of the Government servants in discharging the obligations resting on them under rule (xv), they shall be liable to refund to the Government in one

instalment the leave allowance drawn during the period of study leave including the daily allowance plus penalty upto Rs. 2,000 in cases where study leave is granted for study in India and upto Rs. 5,000 in cases where study leave is granted for study in foreign countries.

SCHEDULE V.—[Article 167 (3)].

REWARDS TO PATWARIES.

Rewards may be granted by the Financial Commissioner and in the case of districts under Settlement by Settlement Officers to Patwaries who retire after 25 years' service in the permanent appointment of Patwaries subject to the rules and conditions hereinafter stated.

- I. A Patwari who, at the time he retires belongs to 1st grade, will be entitled to a reward of Rs. 125; and a Patwari who belongs to 2nd grade to a reward of Rs. 100; and a Patwari who belongs to the 3rd grade to a reward of Rs. 75. The amount of the above rewards represents the maximum allowable in each class of cases and it is discretionary with the Financial Commissioner or the Settlement Officer to sanction a lesser sum for valid reasons *e. g.* where the Patwari's record has been only fair or where his son has been appointed in his stead.
- II. Service for the purpose of these rules must be continuous but the Financial Commissioner or the Settlement Officer may condone any break not exceeding 12 months in duration.
- III. With the previous sanction of the Revenue Minister, the Financial Commissioner and Settlement Officer may grant rewards in special cases to Patwaries who have been required to retire on account of physical unfitness before completing 25 years' service, provided they served 15 years.
- IV. Rewards cannot in any case be claimed under these rules as of right. They will be granted only in recognition of approved service.

Applications for reward must be made out on the form appended and forwarded to the Accountant-General for preaudit in accordance with the above rules.

- V. The charges for the rewards shall be borne by the Patwar Fund but in the case of the Tehsils where Patwaries are paid from General Revenue or where the Patwaries cess collections cannot completely meet the Patwaries charges, reward shall be debited to the General Revenues.

Note.—These rules shall not be applicable to Assistant or Probationer Patwaries.

SCHEDULE VI.—[Article 171 (b)]

COMPASSIONATE FUND

1. The Compassionate Fund has been started for the relief of families of Government servants left in indigent circumstances through the premature death of the person upon whom they depend for support.

2. The proceeds of this Fund in the shape of interest on capital will be treated as annual basic grant to be utilized for the grant of relief to the destitute widows and other dependants of deceased officers. The amount of the basic grant will be cumulative, the unexpended balance of one year's grant being carried forward to the credit of similar expenditure in succeeding years.

3. The principal conditions laid down for regulating grants from the Fund are :—

- (a) Grants from the fund will be restricted to cases of exceptional character only.
- (b) The deceased officer must have rendered meritorious services as a public servant. Unusual meritorious service shall give special claim for consideration.
- (c) Death due to special devotion to duty shall establish a strong claim for consideration.
- (d) In more ordinary cases preference shall be given to dependants of officers who have completed many years' service and have just failed to claim their pension.
- (e) Other things being equal preference will be given to dependants of those who have been on low rates of pay.
- (f) As a general rule a grant shall not be given if the salary of the deceased officer exceeded Rs. 500 a month.
- (g) Care will be taken that too many grants are not made to families of officers who have

been serving at the Head Quarters of the Government

4. The grants will be sanctioned in accordance with the following rules:—

(i) No pension will ordinarily be granted from the Fund, but in any special cases yearly grants made will be for a limited period only to defray the expenses of the education of children.

(ii) The amount of relief in each case should be equal to half of the last monthly pay of the deceased official for each completed year of service both qualifying and non-qualifying subject to a maximum of Rs. 1,200, in any one case.

(iii) Applications from survivors of deceased officials with less than 3 years service in the case of hereditary State-subjects and 5 years in the case of others should not be considered.

Note.—The restriction does not apply to cases for grant of relief from the fund which fall under rule 3 clause (c) above.

(iv) Applications from survivors of officials who died before the commencement of Samvat year 1975 in the case of hereditary State-subjects and Samvat year 1980 in the case of others should not be entertained.

5. The fund will be administered by a Board consisting of the following:—

(a) Revenue Minister,

(b) Finance Minister, and

(c) Chief Secretary,

The Secretary to Government in the Law Department will be *ex-officio* Secretary of the Board. Applications should be sent to the Secretary of the Board through the

Minister concerned and should be accompanied by information as to how for the conditions mentioned in para (3) above have been satisfied.

The character Roll or service book of the deceased Government servant when available (or its equivalent) should invariably accompany the recommendation for the grant of a Compassionate Gratuity with a report from the Commissioner of the Province in which the deceased family resides as to the circumstances of the family.

On receipt of these details the Board will pass orders on the case. The orders of the Board will be communicated to the Minister concerned and in those cases where a gratuity or pension is sanctioned to the Accountant General also.

6. The amounts granted out of Compassionate fund to the widow or widows or survivors of a deceased Government servant will not be liable to attachment for his liabilities

SCHEDULE VII.—(Article 352).

List of roads declared as non-hilly.

JAMMU PROVINCE.

1. Jammu City Roads.
2. Jammu-Akhnoor Road.
3. Jammu-Hazuribagh Road.
4. Jammu-Suchetgarh Road.
5. Jammu-Samba Road.
6. Jammu-Kathua Road.
7. Jammu-Nagbani Road.
8. Jammu to Marh-Garden Road.
9. Jammu to Bhimber *via* Manawar Road.
10. Kanthpore-Kathua Road.
11. Kathua-Sarna Road.
12. Kathua-Pathankote Road.
13. Kathua-Madhopore Road.
14. Samba Branch Road from Samba to mile 26th of Jammu-Kathua Road.
15. Hiranagar Branch Road from Hiranagar to Mile 17 (from Kathua side) of Jammu-Kathua Road.
16. Dunera-Pathankote Road.

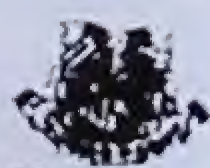
17. Basohli-Pathankote Road.
18. Mirpure-Jhelum Road *via* Guttalian.
19. Mirpure-Sukhchainpur Road.
20. Mirpure-Alibeg Road.
21. Mirpure-Mangla *via* Guttalian.
22. Bhimber-Manawar Road.
23. Bhimber-Gujrat Road.
24. Bhimber-Lalamusa Road.
25. Bhimber-Kharian Road.
26. Mirpore-Kotli Road.
27. Kotli-Rambari Road.
28. Rambari-Poonch Road.
29. Jammu-Birpore Road.
30. All Inspection Roads along Ranbir Canal, Pratap Canal, Basantpore Canal, Ujh Canal and other distributaries.
31. Akhnoor to Head Pratap Canal Road.
32. All roads and paths in Ranbirsinghpura Tehsil such as Ranbirsinghpura to Arniah to Chakrohi to Moolo-Chak to Pindarian to Bishnah and to other places.
33. Banihal Road from Jammu to Srinagar.
34. Jammu to Katra *via* Suketar Road.
35. Udhampur-Ramnagar Road.
36. Katra-Reasi Road.

37. Any journey by motor.
38. Dharmsal-Jhangar to Noashera Road.
39. Noashera-Sadhoti Road.
40. Sadhoti-Akhnoor Road.
41. Kathua-Basohli Road.

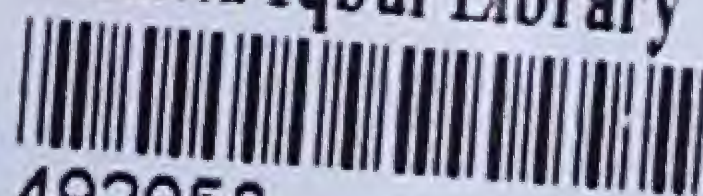
KASHMIR PROVINCE.

1. Jhelum Valley Road from Kohala to Srinagar.
2. Gari Habibullah Road, Domel to Ramkote.
3. Narbal-Tangmarg Road.
4. Sopore-Sangrama Road.
5. Hanjiwara-Nagam Road.
6. Shalamar-Nishat Road.
7. Nasimbag Road.
8. City and Munshibagh Road.
9. Gagribal-Buchwara Road.
10. Srinagar-Anantnag Road.
11. Zojila Road up to Kangan.
12. Anantnag-Pahalgam Road.
13. Khanabal-Kulgam Road.
14. Verinag-Feeder Road.
15. Anantnag-Kishtwar Road (from Anantnag to Jogigund 6 miles).
16. Pampore-Shopian Road.

17. Srinagar-Badgam Road.
 18. Shalteng-Bandipore Road.
 19. Sopore-Drugmulla Road.
 20. Sopore-Bandipore Road.
 21. Kulangam-Handwara Road.
 22. Any journey by water.
 23. Paths within Kashmir Valley up to the foot of the surrounding hills.
 24. Zojila Road up to Gagingir 44 miles and not up to 34 miles (Kangan).
 25. Kulgam-Shopian Road.
 26. Any journey by motor.
 27. Mirhama-Gudar Road.
 28. Srinagar-Nagam Road.
 29. Shalimar-Nasim Road.
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